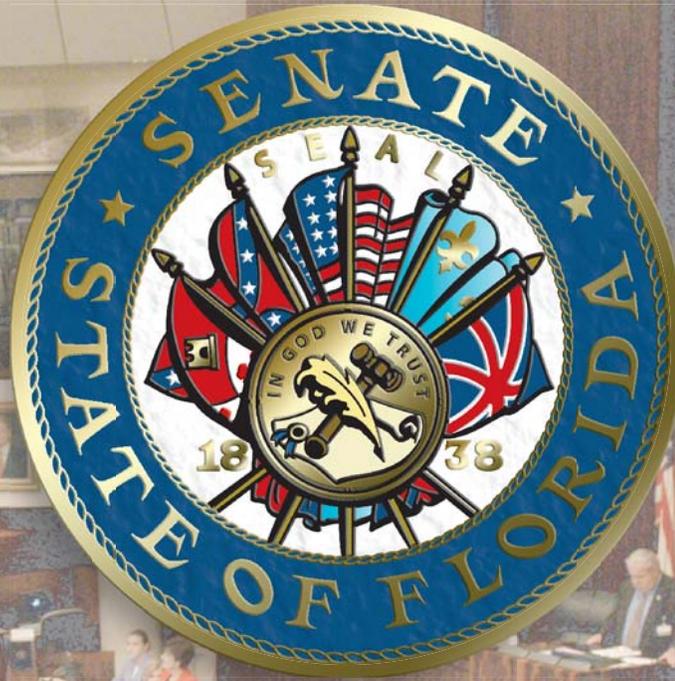


The Florida Senate



Interim Work Plan 2004 Session

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President

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President Pro Tempore

August 2003

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Agriculture and Consumer Services

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Consumptive Use Permits for Aquaculture

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-101

BACKGROUND and DESCRIPTION:

Aquaculture is a relatively new but growing component of the state's agriculture industry. To enhance the growth of this business the state has adopted Best Management Practices criteria for guidance to the water management districts for aquaculturists to obtain Consumptive Use Permits regarding their water needs. It has been reported to the committee that water management districts have been adding requirements to receive a permit, creating added costs to the businesses and affecting further development of the industry.

PROJECT OBJECTIVE(S):

Review requirements by water management districts for obtaining a Consumptive Use Permit for an aquaculture business incorporating Best Management Practices.

METHODOLOGY:

A review will be made of the applicable statutory requirements and administrative rules. Staff will contact aquaculturists, water management district personnel and other interested parties as a part of the review.

INTERIM PROJECT TITLE:

Study the Feasibility of Self-inspection or Other Alternatives of Grocery Stores, Supermarkets and Minor Food Outlets

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-102

BACKGROUND and DESCRIPTION:

The Division of Food Safety of the Department of Agriculture and Consumer Services permits and inspects food establishments to assure compliance with sanitation requirements in retail food stores, food processing plants, and food distribution points where food is sold to the public. The program issues a permit after determining that a facility is in compliance with sanitation requirements and periodically inspects it to ensure continued compliance with sanitation standards

PROJECT OBJECTIVE(S):

The study will explore the possibility of self-inspection or other alternatives of grocery stores, supermarkets and minor food outlets to determine if greater efficiency could be realized in the food inspection program without a reduction in public health, safety, and welfare.

METHODOLOGY:

A review of current inspection practices by the department of grocery stores, supermarkets, and minor food outlets will be made. Representatives of those businesses under study will be included in the review. The study will also include a review of inspection practices of similar types of businesses in other states. The Appropriations Subcommittee on General Government will monitor this project.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE: <i>Federal Records/Public Records</i>
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DATE DUE: N/A

PROJECT NUMBER: 2004-301

BACKGROUND and DESCRIPTION:

Florida has a long history of providing public access to the records and meetings of governmental and other public entities. The first law affording access to public records was enacted by the Florida Legislature in 1909. In 1992, Floridians voted to adopt an amendment to the Florida Constitution that raised the statutory right of public access to public records to a constitutional level. While the state constitution provides that records are to be open to the public, it also provides that the Legislature may create exemptions to these requirements by general law if a public need exists and certain procedural requirements are met. In the 2003 Legislative Session, the Legislature passed Committee Substitute for House Bill 1061 which makes information that is confidential under federal law confidential and exempt from Article I, s. 24 of the State Constitution and s. 119.07(1), F.S., when it is provided to the Department of Agriculture and Consumer Services (department) for assistance during a joint food safety or food-borne illness investigation. Investigations of food safety and food-borne illnesses require close collaboration and cooperation among multiple state and federal agencies. In addition to the department's basic obligation to maintain a safe and wholesome food supply, its responsibilities include assisting state and federal governments with food-borne illness outbreaks that involve Florida firms or farms. The data gathered by these federal agencies are considered confidential under federal law and are not shared with the department because of Florida's sunshine laws. As a result, the department is not able to provide timely assistance in evaluating this information or to provide as much meaningful input as needed while an outbreak is unfolding or during trace-back investigations. With the ability to review these documents, the department can ensure that outbreaks are resolved as efficiently and quickly as possible. Further, in carrying out its contract and partnership agreements to conduct federal Food and Drug Administration inspections, the department is obligated to review Hazard Analysis Critical Control Point plans that are required under federal regulations and are considered confidential under federal regulations. This review must currently be carried out on site, resulting in less efficient use of inspectors' time. Such documents carried offsite become public records and are potentially available to the firm's competitors. Additionally, some aspects of federal rulemaking are not subject to disclosure under the Freedom of Information Act and as such, draft proposed rules are confidential under federal law. Many times federal

agencies would like the department to review and comment on these proposed rules but federal agencies will not provide early drafts to the department for fear that the proposed rules would become public records. Thus, the department cannot participate in the early stages of federal rulemaking concerning important food safety issues unless an exemption is provided by statute.

PROJECT OBJECTIVE(S):

Monitor the Department of Agriculture and Consumer Services cooperative assistance with federal agencies during joint food safety or food illness investigations.

METHODOLOGY:

Staff will monitor meetings and reports of the Department of Agriculture and Consumer Services pertaining to implementation of these newly enacted security of records provisions.

INTERIM MONITOR PROJECT TITLE:

Food Safety and Security

DATE DUE: N/A

PROJECT NUMBER: 2004-302

BACKGROUND and DESCRIPTION:

In 2002, the Commissioner of Agriculture created the Food Safety Task Force to ensure the safety of Florida's food supply. In the 2003 Legislative Session, the Legislature transformed this "ad-hoc" task force into a permanent advisory council named the Florida Food Safety and Food Security Advisory Council in Committee Substitute for Senate Bill 1218. Its mission is to serve as a forum for presenting, investigating, and evaluating issues related to food safety. The Commissioner of Agriculture will appoint representatives from every facet of the food industry to serve on the council, with the exception of the legislative members. The council is required to periodically report findings and recommendations to the Department of Agriculture and Consumer Services.

PROJECT OBJECTIVE(S):

Monitor implementation of the Florida Food Safety and Food Security Council created to serve as a forum for presenting, investigating, and evaluating issues concerning food safety.

METHODOLOGY:

Staff will monitor recommendations and reports of the Florida Food Safety and Food Security Council and will attend meetings when possible.

INTERIM MONITOR PROJECT TITLE:

Implementation of the Agricultural Lands and Practices Act

DATE DUE: N/A

PROJECT NUMBER: 2004-303

BACKGROUND and DESCRIPTION:

Under the “Agricultural Lands and Practices Act” counties may regulate activities of a farm operation if the activity is located within a wellfield protection area under certain circumstances. However, a county is generally prohibited from placing restrictions on activities of a farm operation on land classified as agricultural if the activity is regulated by best-management practices, interim measures, or regulations developed by specified state agencies and adopted pursuant to ch. 120, F.S., as part of a statewide or regional program. It also prohibits a county from regulating the activities of a farm operation that is regulated by certain federal agencies.

PROJECT OBJECTIVE(S):

Monitor implementation of the provisions of this legislation and report to the committee prior to the next regular session.

METHODOLOGY:

Staff will monitor meetings and reports of interested parties as well as implementation of the provisions of the bill.

INTERIM MONITOR PROJECT TITLE:

Provision for Nonagricultural Vehicles to Bypass Agricultural Inspection

DATE DUE: N/A

PROJECT NUMBER: 2004-304

BACKGROUND and DESCRIPTION:

Legislation passed in the 2003 Session enables the Department of Agriculture and Consumer Services to establish rules allowing nonagricultural laden vehicles to bypass the department’s agricultural inspection stations.

PROJECT OBJECTIVE(S):

Monitor the rulemaking process and implementation by the department of the provisions of this legislation and report to the committee prior to the next regular session.

METHODOLOGY:

Staff will monitor meetings to develop rules and the implementation of this legislation.

Appropriations

INTERIM PROJECTS

INTERIM PROJECT TITLE:

State Funded Medical Research and Dollar Disbursement

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-103

BACKGROUND and DESCRIPTION:

Over the last several years significant state and federal funding has been directed towards the development and operation of medical research facilities and to research activities. While medical research initiatives provide an important function within their sphere of expertise, there is a growing potential for replication of research by other in-state facilities, the private sector, and the federal government which may result in a loss of state performance based funding principles.

PROJECT OBJECTIVE(S):

The first objective is a detailed look at whether medical research initiatives are effectively coordinating the results shared among interested parties. There are obvious benefits to such an approach, such as reducing unnecessary duplication and the more effective utilization of resources. The second objective would be to determine if the current legislative budget process for dispersing medical research dollars is sufficient to ensure that new facilities and programs are actually needed when proposed, that all expenditures are performance based, that federal matching dollars are maximized and that the research initiative is a valid state responsibility.

METHODOLOGY:

Surveys of current state funded medical research programs will be conducted to determine the sources of funding, operational costs, research topics, coordination roles, facility costs and publication requirements. Additionally, the surveys will request information on current and pending federal research grant applications. Interviews will be conducted with state employees who administer research activities and an analysis of priority setting processes will be conducted. The Appropriations Subcommittees on Education and Health and Human Services will work jointly on this interim project.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Changes in the State Employees' Health Insurance Program

DATE DUE: N/A

PROJECT NUMBER: 2004-305

BACKGROUND and DESCRIPTION:

The State Employees Group Health Insurance Trust Fund had anticipated operating deficits of \$158 million in FY 2003-04 and \$324 million in FY 2004-05. To address these deficits, the Legislature increased overall health insurance premiums by 16% and increased out-of-pocket payments by employees. As a result, the operating deficits have been reduced to approximately \$44 million and \$57.9 million, respectively.

The Department of Management Services has contracted with Mercer Consulting to recommend changes to the overall design of the state employees health insurance plan. These recommendations have included implementation of multiple preferred provider organization plans, additional premium tiers, disease management programs and wellness programs.

PROJECT OBJECTIVE(S):

This project will monitor the implementation of the changes to the state employees health insurance program authorized by the Legislature. Moreover, the project will examine the additional recommendations offered by Mercer Consulting regarding the fiscal implications on the trust fund as well as on the employees. From this project, the staff will develop briefing materials to assist the Members in considering any additional changes to the design of the health insurance program.

METHODOLOGY:

Staff will meet with the Department of Management Services, the Governor's Office, Mercer Consulting, and representatives of the state-contracted health maintenance organizations regarding the implementation of the authorized changes and the additional changes recommended by Mercer. Demographic data will be used to estimate the impacts on the trust fund as well as cohorts of similarly situated employees and retirees.

Appropriations Subcommittee on Article V Implementation and Judiciary

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Implementation of an Integrated Computer System for the State Courts System

DATE DUE: December 1, 2003

PROJECT NUMBER: 2004-104

BACKGROUND and DESCRIPTION:

In order to implement Revision 7 to Article 5 of the Florida Constitution, the legislature enacted Chapter 2000-237, Laws of Florida, to specify the elements of the state court system and the responsibilities of the state and counties in providing such elements. The law defined communications services in Section 29.008, Florida Statutes, as a county funding responsibility. Communications services includes all computer systems and equipment, maintenance, support staff and services necessary for an integrated computer system to support the operations and management of the state court system, including the state attorneys, public defenders, and clerks of the court. The computer systems must enable the entities in the state courts system to share and report information relating to revenues, performance accountability, case management, data collection, budgeting, and auditing functions. Currently, county governments provide most of the computer systems used by the state courts system. Such systems are not always integrated within judicial circuits or across circuits. The 2003 legislature also passed HB 113A which clarified the state and county responsibilities. HB 113A amended Section 29.008, Florida Statutes, to require the integrated system to enable the electronic exchange of case information, sentencing guidelines and score sheets, and video evidence stored in integrated case-management systems over secure networks. Further, the bill requires the integrated system to be operational by January 1, 2006.

PROJECT OBJECTIVE(S):

To develop an understanding and description of the current systems and equipment that provide information technology services for the state courts system. To identify issues that need to be addressed by the legislature to facilitate development and implementation of an integrated information system for the state courts system by January 1, 2006. To make recommendations relating to funding, developing, and managing information technology to achieve the requirements of Section 29.008, Florida Statutes, for an integrated computer system.

METHODOLOGY:

Staff will review existing local information technology systems, computer system plans, and state information technology development strategies. Staff will interview stakeholders and users of the information technology systems that serve the state courts system, and conduct site visits in sample judicial circuits to acquire a better understanding of existing systems and needs. Information on computer equipment and systems compiled by MGT of America, Inc. as part of their contract on Article V implementation will be reviewed in detail.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Article V Indigent Services Advisory Board

DATE DUE: N/A

PROJECT NUMBER: 2004-306

BACKGROUND and DESCRIPTION:

In order to implement Revision 7 to Article 5 of the Florida Constitution, the 2003 legislature passed HB 113A to clarify the court-related services that would be the state's and the counties' responsibilities as of July 1, 2004. Section 48 of that bill creates the 12 member Article V Indigent Services Advisory Board, charged with developing recommendations to the legislature for standards and procedures for court-related "due process" costs such as expert witnesses, court reporters, and case conflict costs. The specific statutory duties of the board include: recommending qualifications for those providing authorized state-funded due process services; recommending any needed adjustments to existing compensation standards for private court-appointed counsel and other providers of due process services pursuant to s. 27.5304; identifying due process services for indigents that should be included on the state contract and bid competitively on a circuit, region, or statewide basis; recommending statewide contracting standards for procurement of state-funded due process services and developing uniform contract forms for use in procuring services; advising the Legislature on strategies and policies to contain costs; and recommending uniform standards to be applied by the public defender and the court in determining whether or not there is a conflict of interest pursuant to s. 27.5303. To aid in the transition to full implementation of Revision 7 to Article V, the board is required to issue its initial recommendations by November 1, 2003.

PROJECT OBJECTIVE(S):

The project will monitor the activities and work progress of the board and review the report submitted November 1, 2003. Staff will provide briefing materials for legislators as needed.

METHODOLOGY:

Staff will attend all meetings of the board, as much as is practicable, and review all pertinent public documents created by the board.

INTERIM MONITOR PROJECT TITLE:

Capital Collateral Regional Counsel - North Region Outsourcing Pilot

DATE DUE: N/A

PROJECT NUMBER: 2004-307

BACKGROUND and DESCRIPTION:

During the 2003 Special Session A, the legislature created a three-year pilot project to test the use of private attorneys to provide capital collateral counsel in the state's North Region. SB2-A and SB4-A required that capital collateral counsel be provided by private attorneys on a registry. Registry attorneys are required to provide the Legislature with data on specific performance measures to allow for a comparison of the efficiency and effectiveness between the registry attorneys and the Middle and South Regions of the Capital Collateral Regional Councils. The legislature required the Auditor General to provide a status report on the implementation of the pilot project by February 27, 2004 and to conduct a performance review by 2007.

PROJECT OBJECTIVE(S):

The project will monitor the progress of the pilot project and develop any recommendations needed to implement the three-year pilot project.

METHODOLOGY:

Staff will meet with staff of the Commission on Capital Cases, the Auditor General, and other stakeholders and interview registry attorneys to assess the progress of the pilot project. Performance data submitted by registry attorneys will be reviewed and compared to the same data submitted by the Middle and South Region Capital Collateral Councils.

INTERIM MONITOR PROJECT TITLE:

Review of County Expenditures for Court-Related Services by the Chief Financial Officer

DATE DUE: N/A

PROJECT NUMBER: 2004-308

BACKGROUND and DESCRIPTION:

In order to implement Revision 7 to Article 5 of the Florida Constitution, the 2003 legislature passed HB 113A to clarify the court-related services that would be the state's and the counties' responsibilities as of July 1, 2004. In order to make new appropriations for the state court system during the 2004 legislative session, HB 133A directs the Chief Financial Officer (CFO) to review and report county expenditures for court-related services. County court-related expenditures are reported to the CFO annually pursuant to Section 218.32, Florida Statutes, using the Uniform Accounting System Manual. The utility of this reported data, however, has been limited due to the various activity codes and object codes that counties may use to report expenditures. This coding structure does not always align with the level of detail or the expenditures by court system entities that will be needed to determine state appropriations under Revision 7 to Article V. The CFO, with the assistance of the Clerks of the Court, county commissioners, judges, state attorneys, public defenders, and the Auditor General, will review the reported expenditures and make any needed adjustments to the data for use by the Legislature in the 2004 regular session.

PROJECT OBJECTIVE(S):

The project will monitor the Chief Financial Officer's review of county expenditure data for court-related services. This will allow staff and members to better understand the costs of court-related functions that will be the financial responsibility of the state for the fiscal year 2004-2005. The project will also allow for an expanded analysis of expenditure data by category, by entity and over time. From

this analysis, the legislature will be able to determine the appropriate structure and levels of appropriations for the newly assumed court-related functions in the fiscal year 2004-2005.

METHODOLOGY:

Staff will meet with Department of Financial Services staff to review methodologies, progress, and the results of the Chief Financial Officer's review. Staff will meet with various stakeholders in the state courts system to develop recommendations for the appropriate structure and levels of appropriations for the newly assumed court-related functions in the fiscal year 2004-2005.

Appropriations Subcommittee on Criminal Justice

INTERIM PROJECTS

(None)

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

<i>Review the Practical Academic Cultural Education (PACE) Centers in the Department of Juvenile Justice</i>
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DATE DUE: N/A

PROJECT NUMBER: 2004-309

BACKGROUND and DESCRIPTION:

Through proviso language in the General Appropriations Act, the 2003 Legislature directed the staff of the Senate Subcommittee on Criminal Justice to review the Practical Academic Cultural Education (PACE) Centers that provide services to youths under the jurisdiction of the Department of Juvenile Justice (DJJ) and assess the program's efficiency and effectiveness.

PROJECT OBJECTIVE(S):

The project will review the operations and procedures of the program to assess program effectiveness and efficiency in providing services to girls that have been referred from DJJ. The review should include the number of referrals received and processed for each month and identify all risk factors associated with youths who have been admitted into the program. It should also include updated information relevant for budgetary decisions during the 2004 Legislative Session.

METHODOLOGY:

Staff will meet with PACE, OPPAGA, and DJJ staff to review methodologies and policies and procedures for operating the PACE program. Staff will also meet with various stakeholders around the state to gather data and input information in order to develop recommendations for improvements to the Legislature.

INTERIM MONITOR PROJECT TITLE:

Review the Department of Juvenile Justice's Quality Assurance Program and Monitoring Process

DATE DUE: N/A

PROJECT NUMBER: 2004-310

BACKGROUND and DESCRIPTION:

Through proviso language in General Appropriation Act, the 2003 Legislature directs the Office of Program Policy Analysis and Governmental Accountability (OPPAGA) to review the Department of Juvenile Justice's quality assurance and contract monitoring programs. OPPAGA should report their findings and recommendations to the Legislature by December 31, 2003.

PROJECT OBJECTIVE(S):

OPPAGA will review the Department of Juvenile Justice's quality assurance program to determine whether review standards are appropriate, assess how they compare to accreditation standards, and identify options for improving the efficiency and effectiveness. OPPAGA will also review the contract monitoring process to identify options for improving its effectiveness and efficiency. The review should provide a comprehensive and detailed description of program components and how the department administers them. It should also provide updated information relevant for budgetary decisions during for the 2004 Legislative Session.

METHODOLOGY:

Staff will meet with OPPAGA and Department of Juvenile Justice staff to review methodologies, policies, and procedures for each of these programs. Staff will also meet with various stakeholders around the state to gather data and input information in order to develop recommendations for improvements to the Legislature.

INTERIM MONITOR PROJECT TITLE:

Review the Department of Juvenile Justice's Residential Commitment Beds

DATE DUE: N/A

PROJECT NUMBER: 2004-311

BACKGROUND and DESCRIPTION:

Through proviso language in the General Appropriations Act, the 2003 Legislature directed the Office of Program Policy Analysis and Governmental Accountability (OPPAGA) and the Auditor General to conduct an analysis of the Department of Juvenile Justice's (DJJ) residential commitment beds. A final report is due to the Legislature by December 31, 2003.

PROJECT OBJECTIVE(S):

The project will review of the number of beds operated by the department, the bed vacancy rate, and the department's process for tracking bed capacity and utilization. The review should include the number and type of special needs beds; the services provided to youth that occupy beds; the commitment offense and criminal history of youth in residential commitment beds; and a detailed

analysis of all the DJJ placements to residential commitment beds. It should also include updated information relevant for budgetary decisions during for the 2004 Legislative Session.

METHODOLOGY:

Staff will meet with OPPAGA, Auditor General, and DJJ staff to review methodologies and policies and procedures for operating residential commitment beds in DJJ. Staff will also meet with various stakeholders around the state to gather data and input information in order to develop recommendations for improvements to the Legislature.

Appropriations Subcommittee on Education

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Report of the Impact of the General Appropriations Act on Various Educational Institutions and School Districts

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-105

BACKGROUND and DESCRIPTION:

Rather extensive reports, reflecting educational appropriations passed by the legislature, have been produced for a number of years in the spring and fall by the Senate Education Appropriations Subcommittee staff. The spring report, which is a district and institutional level summary of the impact of the General Appropriations Act, will continue to be developed by subcommittee staff. Preparation of the fall report, which provides a historical perspective of education funding by major delivery system, will be assumed by the Department of Education. Several Senators and aides have commented to us that they have found these reports very useful.

PROJECT OBJECTIVE(S):

The project will continue the printing and distribution of the spring report in book form. The purpose of the report is to provide a quick reference for Senators and aides on education funding specifics for all delivery areas of the state's educational system, and to act as a quick source for frequently asked questions about the financing of education in Florida.

METHODOLOGY:

A review of the prior year Senate education spring book will be done to determine whether all types of information previously reported are still useful or should be modified, updated, or enhanced. Once this determination is made, appropriations staff will work with DOE staff as allocations are made throughout the educational delivery system. These allocations will be checked for consistency with the General Appropriations Act as the spring post-session book is prepared. Completion of the book is anticipated following the Governor's veto review of the General Appropriations Act.

INTERIM PROJECT TITLE:

Laptop Computers in the Classroom

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-106

BACKGROUND and DESCRIPTION:

The ability to use information technology effectively is increasing in importance not only for enhancing teaching and learning but also as a basic skill which is necessary in many fields of employment. Due to economic barriers, many individuals are not afforded opportunities to become proficient in the use of basic technology. The integration of technology into public school curriculum is

a means of providing innovative learning opportunities and exposing economically disadvantaged students to technology at an early age. Mobile technology has the added advantage of providing opportunities for increasing parental involvement in their children's education, producing benefits to both parents and students.

PROJECT OBJECTIVE(S):

The project will examine specific examples where mobile computing is being integrated into K-12 education around the country to determine what the experience has been in terms of costs and benefits.

METHODOLOGY:

We will review available literature and interview computer hardware vendors to identify school districts and states that are making broad use of mobile computers in public schools. We will contact these school districts and states to obtain cost data and any available information they may have demonstrating the effect of mobile technology on improved student achievement.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Council for Education Policy Research and Improvement (CEPRI) Analysis of Workforce Education Funding

DATE DUE: N/A

PROJECT NUMBER: 2004-312

BACKGROUND and DESCRIPTION:

The President of the Senate has requested the Council for Education Policy Research and Improvement (CEPRI) to conduct a study on workforce education funding to recommend alternatives that will consider long term stability, accommodate growth, and reward performance. Recommendations are due by October 15.

PROJECT OBJECTIVE(S):

The project will monitor the progress of the CEPRI study and develop any responses needed to implement the recommendations in either legislation or proviso language.

METHODOLOGY:

Appropriations staff will meet with CEPRI staff and other stakeholders as the study progresses. Data and any assumptions used in the study will be reviewed for reasonableness. Staff will then work to implement any recommendations needed in proviso or proposed legislation for the 2004 Session.

INTERIM MONITOR PROJECT TITLE:

Impact of Various Tuition Policies on the Prepaid Tuition Program

DATE DUE: N/A

PROJECT NUMBER: 2004-313

BACKGROUND and DESCRIPTION:

Proviso language following Specific Appropriation 49 of the General Appropriations Act for 2003-04, requires preparation of a dynamic model by the Department of Education to study the impact of various tuition policies on the Florida Prepaid Tuition Program. Because this program is greatly impacted by changes in tuition rates, particularly over time, it is important that the underlying assumptions used within this program be reviewed. The workings of this model will need to be studied since it will likely be used as the basis of proposed changes next legislative session.

PROJECT OBJECTIVE(S):

The project will monitor the progress of the reports as they are developed. Once submitted, the model is anticipated to become useful as a tool in the development of tuition policy in postsecondary education.

METHODOLOGY:

Appropriations staff will meet with DOE staff and others as the reports are developed and review the submissions required in phases during September, October, and November. Data and assumptions used in the study will be reviewed for feasibility, reasonableness, and completeness.

INTERIM MONITOR PROJECT TITLE:

Study of the Price Level Index, Sparsity Index, and the Wealth Adjustment

DATE DUE: N/A

PROJECT NUMBER: 2004-314

BACKGROUND and DESCRIPTION:

Specific Appropriation 113 of the General Appropriations Act for 2003-04, provides \$75,000 for the University of Florida to study the Florida Price Level Index, the Sparsity Index, the Sparsity Wealth Adjustment, and the .51 mill discretionary operating levy within the FEFP. Each of these issues was significantly debated during the 2003 Legislative Session, and this study was funded rather than making any changes in current policy. The report is due January 1, 2004. There will be pressure to address these issues again next session.

PROJECT OBJECTIVE(S):

The project will monitor the progress of the study to be done by the University of Florida Bureau of Economic and Business Research, and review the results with the goal of using this information as a foundation to make any changes in legislation or modifications in the FEFP computations during the 2004 session.

METHODOLOGY:

Appropriations staff will be available to meet with UF-BEBR staff as the study progresses and will be available to provide background information on all facets of the study. Appropriations staff will work with UF staff and provide any interim committee briefings, if needed by the subcommittee chair. Data used in the study will be reviewed for reasonableness and completeness. It is anticipated that the study could well shape policies in the above areas during the next session.

Appropriations Subcommittee on General Government

INTERIM PROJECTS

(None)

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE: <i>Florida's Regulatory Fee Structure</i>
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DATE DUE: N/A

PROJECT NUMBER: 2004-315

BACKGROUND and DESCRIPTION:

In December 2002, the Senate Interim Project Report titled Fee Equity – Examining the Fairness of Florida's Regulatory Fee Structure was released. The report noted that within the State annual budget of over \$50 billion along with separate fiduciary accounts of almost another \$120 billion, are scores of separate revenue raising and spending streams. The report provided the following background issues:

1. Regulatory fees pose unique sets of issues for the institutions and persons affected by government action through its police power or commerce regulating functions.
2. Fees charged for services and for regulation of businesses and professions are set in statute either as a flat fee, a fee cap, or authorization is given to an agency or board to charge a fee to "cover the cost of such service."
3. Many fees are capped and require legislation to change the cap.
4. Recently some fees charged have been inadequate to cover the true cost of regulation.
5. One remedy to cover the cost of regulations is to supplement the costs with General Revenue.
6. Another remedy is to have one account borrow from another account with interest sufficient funds to cover its costs.

The Interim Project report included the following key findings:

1. It is critical that the functions each agency discharges match its statutory responsibility.
2. The corresponding costs of providing the regulation of service should be identifiable and relate back to the agency function.
3. Generally, the fees set forth in the statute are to pay for certain costs accrued for the regulation of a profession or provision of a service. Because of policy considerations, the fees may not entirely cover the cost of regulating the profession or providing the service.

4. Fees may more than adequately cover the cost of regulating the profession or providing the service, but the overages are designated to fund additional activities elsewhere in the agency or in the overall budget.
5. Fees may be set to cover the cost of regulating a profession or providing a service based upon average costs, not specific costs.
6. Prescribing that all costs of providing a service or of regulating professions be covered requires that all costs be defined and allocated.
7. The language for cost recovery varies in the statutes between agencies.
8. State agencies perform a broad spectrum of services that can directly benefit a particular entity and at the same time benefit the public as a whole.

The Interim Report made the following recommendations:

1. Fee structures should be reviewed to insure consistency with stated policy. Further, with the concept of cost recovery, the appropriateness of fee caps should be reviewed to make sure these upper limits are sufficient to cover all included costs.
2. Any review should be tied to an existing systematic and periodic review process such as that required for trust funds under s. 215.3208, F.S. The review should consider all costs of providing a service for which a fee is charged and of regulating professionals. This would assure that all costs are borne solely by those receiving the service or regulation. Sharing the cost among broader sources would have to be justified.
3. Under s. 215.3208, F.S., the legislature reviews each state trust fund once every four years. Part of that review should include an examination of the relevance of the funding method along with its revenue sufficiency.

The project is to monitor fee reviews being proposed as interim projects by the Senate Natural Resources and Agriculture Substantive Committees as well as the Office of Program Policy Analysis and Government Accountability (OPPAGA).

PROJECT OBJECTIVE(S):

The objective of this project is to monitor the review of fees conducted by the Senate Committees on Natural Resources and Agriculture as well as OPPAGA and identify information and conclusions relevant to appropriations issues.

METHODOLOGY:

Staff of the Senate Committee on Appropriations will meet periodically with substantive committee staff and OPPAGA staff to assist in the review as required, including supplying appropriations information as may be needed. Appropriations staff will review the work products and use that information in developing future appropriations.

INTERIM MONITOR PROJECT TITLE:

Shared Savings Contracts

DATE DUE: N/A

PROJECT NUMBER: 2004-316

BACKGROUND and DESCRIPTION:

Several state agencies have entered into long-term, complex contracts with vendors to share savings that the state may incur for use of vendor technology systems. These systems include LicenseEase at the Department of Business and Professional Regulation, the MyFloridaMarketPlace system (formerly E-Procurement) with the State Technology Office at the Department of Management Services, and MyFlorida Alliance with the State Technology Office.

The project will monitor agency contracts related to budget savings and the impact to services.

PROJECT OBJECTIVE(S):

The objective of this project is to monitor the agency contracts for shared savings including LicenseEase with the Department of Business and Professional Regulation, MyFloridaMarketPlace with the Office of State Technology in the Department of Management Services, and MyFlorida Alliance with the State Technology Office to determine the cost benefits to the state.

METHODOLOGY:

Staff of the Senate Committee on Appropriations will work with the Committee on Governmental Oversight and Productivity and will meet periodically with agency staff to review status reports and fiscal data related to the shared savings contracts. This information will be used in developing future appropriations.

INTERIM MONITOR PROJECT TITLE:

Trust Fund Balances and Projected Deficits

DATE DUE: N/A

PROJECT NUMBER: 2004-317

BACKGROUND and DESCRIPTION:

The General Government Subcommittee is responsible for 109 active trust funds that support over 90% of the funding for the general government agencies. In addition to supporting agency operations, the FY 2003-04 GAA transferred over \$335 million from trust funds to the General Revenue Fund.

In anticipation of additional revenue needs for the 2004-05 Budget, this project would continue to monitor and analyze trust funds for available cash balances on a recurring and non-recurring basis.

The project would include: 1) Monitor and analyze the General Inspection Trust Fund in the Department of Agriculture and Consumer Services related to the recurring fund shift in the Food Safety Program; 2) Monitor and analyze the stability of the Department of Environmental Protection Trust Funds; and 3) Monitor and analyze the stability of the Fish and Wildlife Conservation Commission trust funds. Numerous funds are anticipated to be in deficit when the agencies submit their FY 2004-05 Legislative Budget Request.

PROJECT OBJECTIVE(S):

The objective of this project is to monitor and analyze the stability of the trust funds in the Department of Agriculture and Consumer Services, the Department of Environmental Protection, and the Fish and Wildlife Conservation Commission.

METHODOLOGY:

Staff of the Senate Committee on Appropriations will meet periodically with agency staff and review trust fund fiscal data including projected recurring and non-recurring revenues, expenditures and non-operating transfers to determine estimated cash balances and fiscal stability of the trust funds.

Appropriations Subcommittee on Health and Human Services

INTERIM PROJECTS

INTERIM MANDATORY REVIEW TITLE:

Analysis of Area Agencies On Aging Activities and Organizational Structure

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-107

BACKGROUND and DESCRIPTION:

The Older Americans Act requires that States establish Area Agencies on Aging (AAA's) to coordinate elder services in regional planning service areas. The Department of Elder Affairs utilizes these entities as part of its administrative and service delivery structure. The purpose of this review is to analyze the AAA organizational structure, activities, contracting processes, coordination roles, provision of services, allocation of funds and payment for services. A comparison of the original role of AAA's compared to their current role will be developed. This project will also include a review of contract performance standards and reporting requirements and the Department of Elder Affairs responsibilities related to contract oversight and monitoring activities.

PROJECT OBJECTIVE(S):

To analyze the current activities and structure of all the Area Agencies on Aging to determine funding requirements, variations of roles and responsibilities, processes, and Department of Elder Affairs oversight responsibilities.

METHODOLOGY:

Survey's of the various AAA's will be conducted, other states' structures will be reviewed, federal and state statutory authorizations will be determined, and interviews will be conducted with state agency and AAA's staff.

INTERIM PROJECT:

Review of Trauma Care Planning and Funding in Florida

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-108

BACKGROUND and DESCRIPTION:

Part II, chapter 395, F.S., regulates trauma centers in Florida. Trauma centers treat individuals who have incurred a single or multisystem injury due to blunt or penetrating means or burns, and who require immediate medical intervention or treatment. There are three types of trauma centers in Florida. Level I trauma centers provide both trauma and pediatric trauma services. They also maintain research and education programs for the enhancement of trauma care. Level II trauma centers are not required to provide pediatric trauma care. The third type of trauma center in Florida is a pediatric trauma center, which provides only pediatric trauma care. Pursuant to Section 395.4025, F.S., there are 20 state-

approved trauma centers in Florida. Additionally, Section 395.401, F.S., authorizes the Department of Health to recognize certain entities to operate as local or regional trauma agencies. The role of a trauma agency is to plan, implement, and evaluate an organized response, transportation, and in-hospital care system for individuals who have sustained traumatic injuries. This section provides for trauma center verification and minimum requirements for a local or regional trauma agency plan. There are currently four trauma agencies in the state, providing services to 14 counties.

The Department of Health is required to establish a state trauma system plan. The plan divides the state into trauma regions, which serve as the basis for the development of department-approved local or regional trauma plans. The plan also outlines procedures for establishing protocols for transporting victims to the appropriate trauma center. The plan is intended to help ensure that all Floridians have access to trauma care services. Parts of the state currently do not have any state-approved trauma centers and several hospitals that have trauma centers have recently indicated that they plan to discontinue trauma services.

PROJECT OBJECTIVE(S):

To review the state’s trauma system, including the effectiveness of state and local trauma planning, impediments to hospitals providing trauma services, reliability of trauma registry data, funding for trauma services, and to recommend any needed statutory changes.

METHODOLOGY:

Staff will review the history, implementation, and effectiveness of the state’s trauma system, including the funding needs for trauma services provided by existing trauma centers. Staff will seek data and input from the Department of Health, trauma centers, other relevant state agencies, health care providers, and other interested stakeholders to determine if changes are necessary to the current program.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Analysis of Mental Health, Drug Abuse and Child Protection Funding Distribution by District

DATE DUE: N/A

PROJECT NUMBER: 2004-318

BACKGROUND and DESCRIPTION:

Funds provided by the Legislature to the Department of Children and Families (DCF) for statewide services are appropriated on a statewide basis, not by district. Every year, after the Governor approves the General Appropriations Act, DCF allocates the annual budget to the fifteen DCF districts, using distribution criteria developed internally by agency staff. Over time, certain districts have accumulated a large share of the total statewide budget while other districts have received considerably less. Mental

Health, Substance Abuse and Child Protection programs seem to be affected the most by this distribution of funds.

PROJECT OBJECTIVE(S):

This report will analyze the per district distribution of funds relative to the population/caseload served, for Mental Health, Substance Abuse and Child Protection programs and make comparisons with other distribution models.

METHODOLOGY:

This focus of this study will be limited to Mental Health, Substance Abuse and Child protection programs. The scope of the project will be to collect and analyze data, by district, for the last five years. Data collection will target the following sources:

1. Approved Operating Budgets
2. Expenditure reports
3. Interim budget amendments
4. Allocation models
5. Salary lapse reports
6. Reported unmet need determined through needs assessment
7. Number of services provided, clients served or units of services provided
8. Other demographic data

INTERIM MONITOR PROJECT TITLE:

Privatization Initiatives in the Department of Veterans' Affairs

DATE DUE: N/A

PROJECT NUMBER: 2004-319

BACKGROUND and DESCRIPTION:

In 1988, legislative authority for the creation of the Department of Veterans' Affairs was placed in Florida's Constitution, Article IV, Section 11. Since the Department's creation, the State of Florida has coordinated efforts with the federal government, at a 65% federal to 35% state match, to build five state-administered veterans' nursing homes and one domiciliary for veterans in need of nursing home and extended care.

In pursuit of the goal of lowering the cost of state government, the Department of Veterans' Affairs, in December 2000, submitted a proposal to the Legislative Budget Commission to outsource positions at the newly constructed Sandy Nininger State Veterans' Home in Pembroke Pines, Florida. The positions outsourced were those of certified nursing assistants and staff to provide lawn

maintenance, food preparation, housekeeping and laundry services. Staffing for two new homes being constructed in Bay and Charlotte County will also be outsourced. These homes come online in 2003.

PROJECT OBJECTIVE(S):

The purpose of this interim project is to monitor the Department of Veterans' Affairs privatization initiative in the areas of costs or savings, quality of service and the impact of outsourcing these functions.

METHODOLOGY:

Site visits to the Pembroke Pines State Veterans' Nursing Home and at least one other state-veterans' home, as well as interviews with department staff will be conducted, and data provided by the Department will be reviewed.

Appropriations Subcommittee on Transportation and Economic Development

INTERIM PROJECTS

INTERIM PROJECT TITLE:

<i>Allocation of Workforce Funding to Regional Workforce Boards</i>

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-109

BACKGROUND and DESCRIPTION:

The 2003 Legislature appropriated almost \$400 million for workforce services in the Agency for Workforce Innovation. The majority of these funds are allocated to the 24 regional workforce boards for services provided at local one-stop service centers. Funds are allocated to the regions based on various methods, including federal formula and factors such as recent caseload and local need justification. Workforce Florida, Inc. is directed to include criteria for allocating resources to regional workforce boards as part of its strategic plan which is updated each January 1.

Recently, there have been issues raised to legislators regarding the level and basis of allocations to the various regional workforce boards, as well as expenditures and reserve amounts at the state level that are not distributed to the regions.

PROJECT OBJECTIVE(S):

This project will review the allocation of workforce funding statewide and analyze specific distributions to the regional workforce boards to determine if statutory changes or proviso language are needed to improve the current allocation process and/or increase program results.

METHODOLOGY:

Committee staff will obtain written materials and formal documents related to funding allocations, meet with representatives of Workforce Florida, Inc., the Agency for Workforce Innovation, and regional workforce boards for necessary background information, and attend scheduled meetings, as appropriate.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Department of State Reorganization Proposal

DATE DUE: N/A

PROJECT NUMBER: 2004-320

BACKGROUND and DESCRIPTION:

Proviso language in the FY 2003-04 General Appropriations Act directs the Department of State to evaluate its programs, functions, and activities. The Department shall provide a report to the Governor, the Speaker of the House of Representatives, and the President of the Senate by December 15, 2003, containing current and proposed organizational overviews of the Department of State and recommending statutory and budgetary changes for achieving efficiencies in management and operation, improving service delivery to the public, and ensuring compliance with federal and state laws. As part of this departmental evaluation, the Department shall hold meetings with and otherwise gather input from constituent groups, including, but not limited to, arts, historic, cultural, library, business, elections, and economic development interest groups. Any input received must be considered by the Department and made a part of the final report.

PROJECT OBJECTIVE(S):

The project will monitor development of reorganization proposals and review final report.

METHODOLOGY:

Staff will attend department meetings and review all pertinent public documents.

INTERIM MONITOR PROJECT TITLE:

Implementation of High Speed Rail Initiative

DATE DUE: N/A

PROJECT NUMBER: 2004-321

BACKGROUND and DESCRIPTION:

The Legislature provided \$12.1 million for implementation of Florida's High Speed Rail system pursuant to Article X, Section 19, Florida Constitution, including \$7.2 million for the Florida High Speed Rail Authority (Authority) and PD&E for the Orlando to Tampa phase (subsequently vetoed by the Governor), and \$4.9 million for planning, design and engineering for Intermodal Centers necessary to implement the High Speed Rail system (Tampa, Orlando and Ft. Lauderdale in FY 2003-04). Proviso language in the FY 2003-04 General Appropriations Act also directed the Authority to review proposed alignments as identified in the Request for Proposal for Phase I, Part I, and ensure that National Environmental Policy Act requirements have been met and all required public hearings held. In addition, the language directed the Authority not to enter a contract to Design, Build, Operate, Maintain and Finance a high speed rail system until funds are appropriated by the Legislature for the contract for Phase 1, Part 1 of the system (also vetoed by the Governor). Although funding for the Authority was vetoed, the Authority continues to contract for services and hold scheduled meetings and workshops using federal funds provided in the prior year.

PROJECT OBJECTIVE(S):

The project will monitor the activities and work progress of the Florida High Speed Rail Authority and Department of Transportation related to high speed rail activities and expenditures. Staff will provide briefing materials for legislators as needed.

METHODOLOGY:

Staff will attend meetings of the Authority and review all pertinent public documents. The Transportation Committee will be assisting with this monitor project.

INTERIM MONITOR PROJECT TITLE:

Study on the Voluntary Universal Pre-Kindergarten Education Program and the Audits of the School Readiness Programs

DATE DUE: N/A

PROJECT NUMBER: 2003-322

BACKGROUND and DESCRIPTION:

During the 2003 Regular Session, the Legislature began preparations for implementation of Amendment No. 8 (Voluntary Universal Pre-Kindergarten Education), s. 1(b) and (c), Art. IX of the State Constitution. The Legislature required the State Board of Education to conduct a study and submit a report by October 1, 2003, to the Governor and Legislature on the curriculum, design, and standards for the new prekindergarten program. The report must include the state board's recommendations or options for implementing certain program elements (i.e., curriculum and standards, high-quality learning opportunity, quantity of instruction, delivery system, assessment and evaluation, and funding).

The Legislature further required the Office of Program Policy Analysis and Government Accountability (OPPAGA) and the Auditor General to conduct audits and report findings and recommendations to the Governor and Legislature by January 15, 2004, on the existing school readiness programs administered by the Florida Partnership for School Readiness and the local school readiness coalitions.

PROJECT OBJECTIVE(S):

Monitor the State Board of Education's study on the curriculum, design, and standards for the voluntary universal prekindergarten education program and concurrently monitor the audits of the existing school readiness programs to be conducted by the Office of Program Policy Analysis and Government Accountability and by the Auditor General.

METHODOLOGY:

Staff will attend meetings of the State Board of Education which relate to the study on the curriculum, design, and standards for the voluntary universal prekindergarten education program; maintain contact with staff of the Commissioner of Education and the State Board of Education while the state board conducts its study; review the state board's report of recommendations or options for the prekindergarten program; maintain contact with staff of the Office of Program Policy Analysis and Government Accountability and of the Auditor General while they conduct audits of the existing school readiness programs and review their audit reports; maintain contact with staff from the Florida Partnership for School Readiness and the Agency for Workforce Innovation throughout the duration of

the study and audits; and review implementation plans, status reports, performance data, or other similar documentation to the extent those materials are available.

INTERIM MONITOR PROJECT TITLE:

Transportation Equity Act - 21 Reauthorization

DATE DUE: N/A

PROJECT NUMBER: 2004-323

BACKGROUND and DESCRIPTION:

The Transportation Equity Act (TEA) for the 21st Century was enacted June 9, 1998. TEA-21 authorizes the Federal surface transportation programs for highways, highway safety, and transit for the 6-year period 1998-2003. This act expires October 30, 2003, and the federal reauthorization of this act is currently under review.

PROJECT OBJECTIVE(S):

This project will inform committee members of proposed changes to TEA-21, and the associated impacts to funding of the Department of Transportation's 5-year work program.

METHODOLOGY:

Staff will review proposed changes to TEA-21 and review recommendations made by Florida's TEA-21 Reauthorization Working Group. The Transportation Committee will be assisting with this monitor project.

Banking and Insurance

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Review of the 2003 Workers' Compensation Act

DATE DUE: December 1, 2003

PROJECT NUMBER: 2004-110

BACKGROUND and DESCRIPTION:

SB 50-A was adopted during the 2003 Special Session A, which made major changes to the workers' compensation laws. In addition to debate on policy decisions reflected by the bill, concerns were raised by members regarding the legal effect of various provisions, possible unintended consequences, and how certain provisions would actually be implemented. Such concerns related to: 1) eligibility criteria for permanent total disability benefits, 2) compensability standards for mental and nervous injuries; 3) the criminal penalty for employers who knowingly hire an employee who used any false, fraudulent, or misleading statement as evidence of identity; 4) the status of employment agencies as employers; 5) the extent to which unfunded deficits may be created in the Florida Workers' Compensation Joint Underwriting Association (JUA); 6) how the limitations on attorney fees may affect access to legal representation; and 7) the implementation of measures intended to reduce fraud and enforce compliance.

In addition, proposals to establish a state fund to write workers' compensation insurance, in competition with other insurers, were considered but not enacted.

For certain issues, SB 50-A requires reports by state agencies or a legislative committee. The bill: 1) creates the Joint Select Committee on Workers' Compensation Rating Reform, which must submit a report by December 1, 2003, regarding the merits of requiring each insurer to file its own expense and profit portion of a rate filing, and to also study alternatives to the current prior approval rating system that would promote greater competition; 2) requires the Department of Financial Services, by January 1, 2004, to provide a report as to any provisions relating to carrier compliance and enforcement that the department is unable to enforce; and 3) requires the board of governors of the JUA by January 1, 2005, to report certain policy and financial information regarding the plan, the availability of coverage in the voluntary market, efforts to depopulate the plan, and actions the Legislature should take to improve availability of coverage.

PROJECT OBJECTIVE(S):

The project would analyze the actual and anticipated effects of SB 50-A regarding the issues on which members expressed concerns, as cited in the first paragraph of Background and Description, above. The objective would be to make recommendations to address "glitches" or unintended consequences of SB 50-A, including changes that may be necessary to address constitutional concerns, rather than re-addressing policy decisions reflected by the bill. The report would also evaluate the option for creating a state workers' compensation insurance fund. The report would not address those issues that are specifically being addressed by the Joint Select Committee on Workers' Compensation Rating Reform. At this time, it is not known if that committee's report on the rating laws will include the subject of rates for the JUA or whether it will evaluate (as an alternative that may promote greater

competition) the option of establishing a state fund. If the Joint Select Committee addresses these or other related issues, the Interim Project report would not address those same issues.

METHODOLOGY:

For the issues identified, committee staff will analyze the case law that has interpreted the provisions of current and prior law and how the bill's changes are likely to be interpreted in light of those decisions. Staff will also seek opinions from experts in the field on such issues and interpretations by the Division of Workers' Compensation (Department of Financial Services) or other affected agencies. Given the October 1, 2003, effective date of the bill, there is not likely to be data or actual claims information for how the bill is actually affecting claims for injuries occurring on or after that date.

INTERIM PROJECT TITLE:

The Viatical Settlement Industry: Does the Current Law Adequately Protect Florida's Consumers?

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-111

BACKGROUND and DESCRIPTION:

Florida law regulates viatical settlement contracts, which was initially aimed at protecting the individual (who may have a terminal illness) selling his ownership of a life insurance policy and the right to the death benefits, in exchange for a cash payment of an amount less than the death benefits. More recently, the focus has shifted to protecting the investor from fraudulent actions of the viatical settlement company. During the last year, legal actions were taken to shut down a viatical settlement provider to protect 9,500 consumers who had more than \$300 million invested in death benefits with the firm. During the 2003 Regular Session, legislation was considered but not enacted which would have regulated viatical settlements investments as a security under ch. 517, F.S.

PROJECT OBJECTIVE(S):

This project would evaluate the current law regulating viatical settlement contracts with regard to the protection provided to all parties involved, and would primarily evaluate the option of regulating viatical settlement investments as a security under ch. 517, F.S.

METHODOLOGY:

The current statutes, case law, and administrative actions will be analyzed, including legal actions that have been taken against viatical settlement providers and compensation to victims, to determine whether the current law is adequately protecting both the person who is selling his or her ownership in a life insurance policy, as well as protecting the investor in such contracts from fraudulent or misleading information and the financial loss that can result. The report will also analyze the legal issues regarding regulating viatical settlement investments as securities and how consumers would be effected.

INTERIM PROJECT TITLE:

Infertility Coverage Within Health Care Plans

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-112

BACKGROUND and DESCRIPTION:

Current federal and state laws do not require health insurance coverage for infertility. Approximately 10 percent of couples need medical intervention to conceive. Of those who pursue treatment, about 65 percent succeed in having a baby. An estimated \$26 billion was spent on infertility treatment in the U.S. in 1996, according to a 1998 study by Cambridge Health Resources. There are various types and levels of infertility diagnosis and treatment, ranging to assisted reproductive technology procedures such as in vitro fertilization, gamete intra fallopian transfer, zygote intra fallopian transfer, and artificial insemination.

Section 624.215, F.S., requires that a report be prepared for legislative review of any legislative proposal that would mandate a health coverage or the offering of a health coverage.

PROJECT OBJECTIVE(S):

To report on the current status of health plan coverage for infertility, and to assess the social and financial impacts of mandating such coverage, as specified in s. 624.215, F.S.

METHODOLOGY:

Staff will obtain policy forms from the Office of Insurance Regulation and survey leading writers of health insurance to determine the extent to which health insurance and HMO coverage is currently provided for infertility, review academic studies on the use, outcomes, and costs of infertility treatment, and survey insurers and review studies to estimate the impact on health insurance premiums if such coverage was mandated.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Activities and Status of the Division of Insurance Fraud of the Department of Financial Services, and Prosecutions by State Attorneys

DATE DUE: N/A

PROJECT NUMBER: 2004-324

BACKGROUND and DESCRIPTION:

A common theme and objective of the Banking and Insurance Committee for the past year was the investigation and prosecution of insurance fraud. Significant fraud issues were addressed in the workers' compensation legislation (SB 50-A), the PIP/Auto Insurance bill, (SB 32-A), and the Pete Orr Anti-Insurance Fraud Act, CS/SB 1694, which were all adopted in the 2003 Regular Session and the 2003 Special Session A. Much of the focus has been on the investigations and arrests made by the Division of Insurance Fraud in the Department of Financial Services and subsequent prosecution by the state attorneys in each judicial circuit, as well as the Statewide Prosecutor's Office. The 2003 workers' compensation legislation requires an annual report by the Division's Bureau of Workers' Compensation Fraud to provide greater accountability regarding its fraud activities.

PROJECT OBJECTIVE(S):

To monitor the activities of the Division of Insurance Fraud and state attorneys to determine their effectiveness in investigating, arresting, and prosecuting crimes of insurance fraud.

METHODOLOGY:

Committee staff will review reports and documentation and interview personnel of the Division of Insurance Fraud, the offices of the state attorneys of selected judicial circuits, and the Office of the Statewide Prosecutor.

INTERIM MONITOR PROJECT TITLE:

Status of Citizens Property Insurance Corporation

DATE DUE: N/A

PROJECT NUMBER: 2004-325

BACKGROUND and DESCRIPTION:

In 2002, the Legislature established the Citizens Property Insurance Corporation as the insurer of last resort for residential property insurance and hurricane coverage, replacing both the Florida Residential Property and Casualty Joint Underwriting Association (RPCJUA), and the Florida Windstorm Underwriting Association (FWUA). Citizens is operated by a 7-member board appointed by the Chief Financial Officer (formerly, the Treasurer).

Citizens provides residential property insurance coverage in all areas of the state, and provides hurricane coverage in its "high-risk account" for both residential and non-residential property in the same coastal areas previously eligible for FWUA coverage. Citizens is also authorized to sell a new form of coverage in its high-risk account, called "quota share policies", under which Citizens and an authorized insurer are each responsible for a specified percentage of coverage for a hurricane loss. These quota share policies involve many important and difficult issues, and have not yet been implemented. Such policies may provide another option to encourage or enable authorized insurers to write additional hurricane coverage. The 2002 act provided legislative intent that over time, Citizens should reduce its 100-year probable maximum loss and thus reduce the potential for assessments levied on insurers and policyholders. An annual report on this status is required. However, Citizens policies and premium writings continue to grow.

The 2002 act provided that Citizens rates for wind-only policies for the first year (July 1, 2002 through June 30, 2003), would be capped at 10 percent above the June 30, 2002 FWUA rate. In the 2003 Regular Session, HB 513 was adopted, which again capped the rates at 20 percent above the prior rate for the next year (July 1, 2003, through June 30, 2004). The bill further requires Citizens, in conjunction with the Office of Insurance Regulation (office), to develop a wind-only rate making methodology to be contained in a rate filing made by January 1, 2004, to implement the requirement that such rates be non-competitive with rates charged by authorized insurers. The office must provide a report on the methodology to the Senate and the House of Representatives by January 31, 2004. Citizens must certify to the office at least twice annually that its personal lines rates comply with the current requirement that its average rates for each county (excluding wind-only policies) must be no lower than the average rates charged by the insurer that had the highest average rate in that county among the 20 insurers with the greatest total direct written premium in the state. To assist Citizens in this regard, it must appoint a rate methodology panel consisting of representatives of specified associations, insurers, and public officials. By January 1, 2004, the panel must provide a report to Citizens of its findings and recommendations, and within 30 days after such report, Citizens must present a plan to the Senate and House of Representatives for implementing the ratemaking methods and an outline of any needed legislation.

PROJECT OBJECTIVE(S):

To monitor the status of Citizens Property Insurance Corporation, including the growth in its policies and premiums, changes to its 100-year probable maximum loss, the status of implementing the issuance of quota-share policies, the rate filings made by Citizens and how such rates compare to rates charged by authorized insurers, and the status of revisions to its ratemaking methodology and related reports required by the 2003 legislation.

METHODOLOGY:

Staff will obtain related reports and documentation from Citizens and the Office of Insurance Regulation and will interview board members, its executive director, personnel from the Office of Insurance Regulation and the Department of Financial Services, and insurer representatives.

INTERIM MONITOR PROJECT TITLE:

Joint Select Committee on Workers' Compensation Rating Reform

DATE DUE: N/A

PROJECT NUMBER: 2004-326

BACKGROUND and DESCRIPTION:

The workers' compensation legislation enacted in 2003 created the Joint Select Committee on Workers' Compensation Rating Reform. The committee is charged with studying the merits of requiring each workers' compensation insurer to individually file its expense and profit portion of a rate filing, while permitting each insurer to use a loss cost filing made by a licensed rating organization. The committee must also study options for the current prior approval system for workers' compensation rate filings, including rate filing procedures that would promote greater competition and would encourage insurers to write workers' compensation coverage in the state while protecting employers from rates that are excessive, inadequate, or unfairly discriminatory. The committee must submit its final report and recommendations by December 1, 2003.

PROJECT OBJECTIVE(S):

To monitor the meetings of the Joint Select Committee on Workers' Compensation and to keep the members of the Committee on Banking and Insurance Committee informed of their activities.

METHODOLOGY:

To attend the meetings of the Joint Select Committee on Workers' Compensation and to obtain copies of all materials prepared for that committee. Staff of the Banking and Insurance Committee may also be required to staff the Select Committee, but this has not yet been determined.

Children and Families

INTERIM PROJECTS

INTERIM PROJECT TITLE:

<i>Retention of Protective Investigators Phase II</i>

DATE DUE: January 1, 2004

PROJECT NUMBER: 2004-113

BACKGROUND and DESCRIPTION:

The 2003 interim project for the Children and Families Committee, (*Retention of Protective Investigators*), resulted in the passage of CS/SB 1442. This legislation set forth a 2 year initiative to address some of the major issues contributing to staff turnover among protective investigators. It began the process of reshaping the child protective investigation process to create more efficiency by providing for a two-tiered investigation process that allows for some reports to be investigated without the additional investigative activities currently required by the Department of Children and Families. A Protective Investigator Retention Workgroup was established to continue to examine and identify efficiencies in the system for legislative consideration next year, including examining the use of different levels of investigative activities based on the nature and severity of the abuse, streamlining forms and the investigative process, examining the potential for using an alternative response system for low risk abuse reports, examining how institutional child abuse in Department of Juvenile Justice facilities should be handled, developing a plan for building communication with and involvement of front-line staff, and developing a plan for the training needed to adequately prepare protective investigators for the job. The directives to this workgroup have the potential for recommendations that would totally redesign the child protective investigation process. This Phase II interim project would continue the examination of the specific issues identified for the Protective Investigator Retention Workgroup, as well as the strategies and plans developed by the workgroup which are due to the Legislature by December 31, 2003. The goal of the project would be to build a strong base of knowledge of the issues and possible solutions with which to better assess the viability and implications of the recommendations for the child protective investigative process.

PROJECT OBJECTIVE(S):

The project's objectives are as follows:

- To examine in further detail the particular issues identified for the Protective Investigator Retention Workgroup; and
- To provide the Children and Families Committee with comprehensive information necessary to make decisions relative to the systemic changes to the child protective investigative process that may be recommended by the Protective Investigator Retention Workgroup.

METHODOLOGY:

The methodology would include:

- Reviewing relevant professional literature on the child protective investigative process, alternative response systems, institutional child abuse, communication between management and front-line staff, education and work experience for protective investigative positions, and training needs of protective investigators;
- Assessing the efforts of other states to address these issues;

- Interviewing national experts;
- Providing the Department of Children and Families with relevant information learned from the literature review and assessment of other states' efforts; and
- Attending the meetings of the Protective Investigator Retention Workgroup and any advisory groups established to assist the workgroup.

INTERIM PROJECT TITLE:

Service Integration and Collaboration by the Substance Abuse and Family Safety Program for Individuals in Protective Supervision Requiring Substance Abuse Treatment

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-114

BACKGROUND and DESCRIPTION:

Professionals in the fields of substance abuse and child protection have become increasingly aware that parental substance abuse is a major contributing factor in cases of child abuse and neglect. Alcohol and drug abuse addiction can dangerously compromise the ability of parents to provide a safe and nurturing home for their children, as well as become one of the key barriers to family reunification. Furthermore, children and adolescents who have been abused or neglected are among the highest at-risk for becoming substance abusers themselves.

In 1998, the General Appropriations Act established the following performance outcome measure for adults: Number and percent of individuals in protective supervision who have case plans requiring substance abuse treatment who are receiving treatment. In February, 1999, the Department of Children and Family Services' (DCF) Family Safety Program Office conducted a random survey to report a benchmark for this measure. Although 52 percent of the total cases reviewed identified substance abuse treatment as a requirement of the case plan, fewer than half of these cases were admitted and received substance abuse treatment.

Since 1999, there has been an improved service system response to the need to provide integrated services and major funding efforts have been directed toward system improvement and expansion for adults involved in the child protection system. Examples of funding provided and system improvements include the following:

- With the 1999 Federal Substance Abuse Prevention and Treatment (SAPT) Block Grant, \$17.8 million was directed to adults, prioritizing families at-risk of or currently involved with Florida's child protection system.
- In October 1999, eligibility for Temporary Assistance to Needy Families (TANF) funding for alcohol and drug treatment was expanded to include individuals at-risk of being involved with TANF, significantly expanding services for Family Safety Program clients.
- The Florida Legislature appropriated \$2.5 million for FY 2000-01 to expand substance abuse and family intervention case management and support services. This funding made possible the implementation of 35 Family Intervention Specialists (FIS) contracted positions statewide to serve up to 1,218 additional families annually. The FIS are co-located with Child Protective Investigation or Protective Supervision staff.

There is a need to determine the outcomes that have been achieved, given DCF's efforts since 1999, to improve the coordination and integration of substance abuse services with the child protection system. The purpose of this interim project is to examine benefits that have been accomplished through system changes and the provision of funding specifically directed for use by the adult population where child maltreatment has occurred.

PROJECT OBJECTIVE(S):

Examine the effectiveness of substance abuse and family safety initiatives to expand, enhance and improve the integration and quality of services for families with substance abusing parents who are involved with child protective services, with particular focus on improved outcomes for children and families that have been achieved through funding for the Family Intervention Specialist position and the utilization of Dependency Drug Courts.

METHODOLOGY:

Committee staff will:

- Conduct a literature review relating to substance abuse issues experienced by families in protective services programs.
- Obtain and review available data relating to number of persons served, performance outcomes, client assessment, referrals, and client demographics.
- Attend any meetings related to the issues associated with this interim project.
- Conduct staff and client interviews.
- Review available documentation such as operating procedures, outcome reports, workgroup reports, status reviews, etc.
- Review the process utilized to identify the need for and provide integrative substance abuse services to families in the child protection system.
- Utilize available departmental data to identify cases that have been assessed as "needing" substance abuse services.
- Conduct reviews of selected case plans.
- Determine impact of substance abuse services on successful family outcomes.
- Develop recommendations for appropriate steps to improve the current system's response to substance abuse by parents in the child protection program.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

The Adult Services Program's Compliance and Recommendations Contained in OPPAGA Report No. 03-08

DATE DUE: N/A

PROJECT NUMBER: 2004-327

BACKGROUND and DESCRIPTION:

Senate Bill 1822 amends s. 415.1045, F.S., directing the Department of Children and Family Services to enter into working agreements by March 1, 2004, with law enforcement agencies having jurisdiction to conduct criminal investigations arising from allegations of abuse, neglect, or exploitation of vulnerable adults

The department must provide a report to the Legislature by December 1, 2003, reflecting the status of its compliance with the recommendations included in Report No. 03-08, by OPPAGA, relating to improving the programmatic effectiveness of the Adult Services Program. This report must analyze the effects of, and provide a plan for implementing, at least one multidisciplinary adult protection team in each of its districts.

PROJECT OBJECTIVE(S):

- Track the completion of working agreements with local law enforcement.
- Track the development of a plan for implementing at least one multidisciplinary adult protection team in each district.
- Track the implementation of corrective actions relating to recommendations in the OPPAGA report.

METHODOLOGY:

- Committee staff will:
 - Review departmental data pertaining to completion of working agreements on an ongoing basis.
 - Obtain and review available documentation such as completed agreements, the number of adult protection teams that are currently being used, and number of persons receiving those services as well as projections relating to further implementation of multidisciplinary adult protection teams in each district.
 - Meet with staff periodically to discuss the implementation status of the improvements identified in the OPPAGA report.

INTERIM MONITOR PROJECT TITLE:

Initial Implementation of the Florida Substance Abuse and Mental Health Corporation, Inc.

DATE DUE: N/A

PROJECT NUMBER: 2004-328

BACKGROUND and DESCRIPTION:

Senate Bill 2404 from the 2003 legislative session creates s. 394.655, F.S., establishing a not-for-profit organization known as the Florida Substance Abuse and Mental Health Corporation, Inc. This corporation is to provide oversight and policy recommendations for the substance abuse and mental health systems, subject to the direction of the Legislature. The corporation is to work cooperatively with the Department of Children and Family Services (the department), the Agency for Healthcare Administration (the agency), and other agencies of state government to work toward fully developed and integrated mental health and substance abuse systems.

The section of law authorizing the corporation expires on October 1, 2006, unless it is reviewed and re-enacted by the Legislature prior to that date. Newly created s. 20.19 (2) (c), F.S., that directs the

organizational structure for the substance abuse and mental health programs, and s. 20.19 (4) (b) 6. and 8., F.S., the current authority in law for DCF to operate the substance abuse and mental health programs, expire on October 1, 2006 unless re-enacted by the Legislature based on the demonstration that those programs are operating effectively within DCF.

PROJECT OBJECTIVE(S):

To monitor the implementation of the Florida Substance Abuse and Mental Health Corporation, Inc., and its impact on the substance abuse and mental health systems and to oversee whether the implementation of this corporation in conjunction with statutorily mandated organizational changes result in increased integration and effectiveness for the substance abuse and mental health systems.

To monitor the reorganization of the substance abuse and mental health programs, including the impact of the reorganization on service delivery.

METHODOLOGY:

Committee staff will meet with members of the corporation and with department and other agency staff periodically and will review relevant data. Committee staff will also review recommendations made by the corporation and the utilization of these recommendations by the department as well as any related documentation such as memoranda of understanding and the contract established with the department. Whenever possible, committee staff will attend as an observer, any meetings that are scheduled by the corporation including those with the department and other agencies.

INTERIM MONITOR PROJECT TITLE:

Initial Planning and Implementation of the Project to Utilize a Single “Managing Entity” to Provide Substance Abuse Services to Families in the Child Protection System in DCF Districts 4 and 12

DATE DUE: N/A

PROJECT NUMBER: 2004-329

BACKGROUND and DESCRIPTION:

Senate Bill 2402 amends s. 394.9082, F.S., and directs the expansion of the “managing entity” concept into Districts 4 and 12 specifically for substance abuse services and restricts service expansion in those districts to the area of substance abuse. In these districts, a managing entity is to be accountable for the provision of substance abuse services to the recipients of child protective services. The department is directed to work with stakeholders to develop a phase-in of services, provide technical assistance to assure district and provider readiness, and enter into a contract with a managing entity. The full implementation of this project is to be completed within 2 years of its initiation.

PROJECT OBJECTIVE(S):

To track the implementation of the managing entity concept across 2 districts and identify associated issues.

To assess findings of any efficiencies achieved using a “substance abuse” only managing entity.

To relate efficiencies achieved with the “substance abuse” managing entity model to those achieved with the “behavioral health care” managing entity model utilized in Districts 1 and 8.

To track improvements in service delivery to recipients of child protective services.

METHODOLOGY:

Committee staff will track the implementation of this project by meeting with involved parties periodically and by reviewing documentation generated as a part of this project. Data will be obtained as available relating to the provision of services and improved outcomes for recipients of child protective services.

INTERIM MONITOR PROJECT TITLE:

The Developmental Disabilities System Redesign Efforts

DATE DUE: N/A

PROJECT NUMBER: 2004-330

BACKGROUND and DESCRIPTION:

Chapter 393, F.S., charges the Department of Children and Family Services with providing services, particularly community-based services to individuals with developmental disabilities. Section 393.066, F.S., directs the department to purchase these services through contracts with private businesses, not-for-profit corporations, units of local government and other organizations capable of providing the services in a cost effective manner. The department and the Agency for Health Care Administration jointly purchase necessary services through the Developmental Services Home and Community-Based Services Waiver program.

During the last 4 years, funding for persons with developmental disabilities has increased by 94 percent, and the number of persons requiring services has increased as well. With the influx of funding in 1999, services have been provided to an additional 21,672 persons, and the original “waiting list” was eliminated. However, there has continued to be an increase in the number of persons requesting services, and there is once again a waiting list.

The 2002 Legislature mandated a system redesign that included a new individual assessment, fair and equitable rates, direct provider billing, and a more flexible service package. Mercer Consulting, under contract with the department, has developed a new rate structure that is to address variations in the way payments are made and allow the department to avoid future deficits while achieving fairness in the manner providers are paid for services.

PROJECT OBJECTIVE(S):

The objective of this project is to:

Track the process of implementing the new rate structure across the state and identify the impacts on consumers, providers, and the department.

Track the development of the client needs assessment and related training curriculum.

Identify relationships between the client needs assessment and service agreements that are developed utilizing the “new” rate structure.

METHODOLOGY:

Committee staff will:

Attend the ongoing stakeholder meeting as well as other public meetings.

Meet with departmental staff periodically to discuss the implementation schedule and any other questions that may arise.

Review relevant documentation such as the implementation schedule, procedures to be implemented, rates, assessment, staff training, and budget reports.
Communicate with stakeholders to identify issues associated with various groups.
Meet with provider staff periodically to discuss implementation of the system redesign.
Work with legislative appropriations staff to review the progress and efficiency of the system redesign.

INTERIM MONITOR PROJECT TITLE:
Community-Based Care Initiative

DATE DUE: N/A

PROJECT NUMBER: 2004-331

BACKGROUND and DESCRIPTION:

The implementation of the community-based care initiative has experienced successes and, more recently, near failures. As the Department of Children and Families continues to privatize foster care and related services through the community-based care initiative, close legislative monitoring of the implementation, problems, and success is important. In addition, CS/CS/SB 1454 added a readiness assessment to determine the readiness of both the districts and the lead agencies to transfer the services to the community-based care lead agencies. An independent review of the department's process for determining readiness was also required by the bill to be conducted by the Auditor General and the Office of Program Policy Analysis and Government Accountability, in consultation with the Child Welfare League of America and Louis de la Parte Florida Mental Health Institute, with annual reports due to the Legislature until the transition to community-based care has been accomplished statewide. The intent of this readiness assessment is to prevent failures in this transition and also requires close legislative monitoring.

PROJECT OBJECTIVE(S):

The objective of this interim monitoring project is to monitor the following:

- The continued transition of foster care and related services from the Department of Children and Families to the community-based care lead agencies;
- The readiness assessment process being developed and implemented by the department; and
- The independent review of the department's readiness assessment process.

METHODOLOGY:

The methodology would include:

- Meetings with the staff of the Department of Children and Families regarding the readiness assessment and initiation of the independent review; and
- Regular meeting with representatives from the community-based care lead agencies regarding the status of implementation and problems being experienced.

INTERIM MONITOR PROJECT TITLE:
Independent Living Services Workgroup

DATE DUE: N/A

PROJECT NUMBER: 2004-332

BACKGROUND and DESCRIPTION:

With the expansion of the Chafee Foster Care Independent Living Program and funding available, the 2002 Legislature created s. 409.1451, F.S., which established the framework for Florida's independent living transition services to be provided to these older youth. Youth involved in the independent living services program brought to the attention of legislators during the 2003 session issues that continue to be problems for them, such as removing barriers to normal youth experiences, as well as new issues that the 2002 legislation may be creating, such as the Road to Independence Scholarship award possibly excluding the youth from other scholarships. As a result, the Independent Living Services Workgroup was established with CS/CS/SB 1454 during the 2003 session to provide an on-going vehicle for other state agencies, advocates, and the youth to monitor the continued implementation of the 2002 legislation and advise the department on issues that need attention and possible solutions. This interim monitoring project would monitor the establishment and work of the Independent Living Services Workgroup.

PROJECT OBJECTIVE(S):

The objective of this interim monitoring project is to monitor establishment and progress of the Independent Living Services Workgroup.

METHODOLOGY:

The methodology would include attending workgroup meetings if held in Tallahassee, reviewing minutes of the workgroup meetings, and discussions with staff of the Department of Children and Families and other stakeholders.

INTERIM MONITOR PROJECT TITLE:
Commission on Marriage and Family Support Initiatives

DATE DUE: N/A

PROJECT NUMBER: 2004-333

BACKGROUND and DESCRIPTION:

CS/SB 480 adopted by the Legislature during the 2003 session replaced the Commission on Responsible Fatherhood with the Commission on Marriage and Family Support Initiatives. While the community based programs funded by the Commission on Responsible Fatherhood will continue, the purpose and scope of activities of the newly created commission are broader and composition of membership different. Appointments are to be made by the Governor, Senate President, and Speaker of the House of Representatives by August 1, 2003, and the first meeting is to be held by October 1, 2003. This monitoring project will monitor the transition of the Commission on Responsible Fatherhood to the Commission on Marriage and Family Support Initiatives.

PROJECT OBJECTIVE(S):

The objective of this interim monitoring project is to monitor the establishment of the Commission on Marriage and Family Support Initiatives and the transition from the Commission on Responsible Fatherhood to this newly created commission.

METHODOLOGY:

The methodology would include reviewing the appointments to the new commission, discussions with staff at the Ounce of Prevention Fund of Florida, and attending the first meeting of the Commission on Marriage and Family Support Initiatives, if held in Tallahassee.

INTERIM MONITOR PROJECT TITLE:

Child Support Guidelines

DATE DUE: N/A

PROJECT NUMBER: 2004-334

BACKGROUND and DESCRIPTION:

Federal and state law [s. 61.30(16), F.S.] require that the child support guidelines be reviewed every four years. During the last 3 years, work has been initiated to accomplish the child support guideline review which includes a House committee interim project and introduction of a bill in the 2000 session and a proposed child support bill drafted jointly by the Family Court Steering Committee appointed by the Florida Supreme Court, the Florida Chapter of the American Academy of Matrimonial Lawyers, and the Family Law Section of the Florida Bar. Currently, a contract is in place with Florida State University to update Florida's existing child support schedule amounts and to examine other models for developing child support guidelines. Products from this contract are intended to provide the economic basis and foundation for child support guidelines legislation. These products are to be delivered to the Legislature beginning this summer with the final product and contract conclusion scheduled for December 31, 2003. House committee staff and the Senate Children and Families Committee staff director are jointly responsible for monitoring the progress of the contract.

PROJECT OBJECTIVE(S):

The objective of this interim monitoring project is to monitor the work of the Florida State University contract and other activities that may be initiated to update the child support guidelines.

METHODOLOGY:

The methodology would include:

- Meeting with the contractors relative to the progress and intended outcome of the contract;
- Reviewing the products submitted by the contractors;
- Reviewing the literature pertinent to child support guidelines; and
- Attending meeting with House staff and other appropriate parties relative to updating child support guidelines.

Commerce, Economic Opportunities, and Consumer Services

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Review of Qualified Target Industry and Qualified Defense Contractor Tax Refund Programs

DATE DUE: December 1, 2003

PROJECT NUMBER: 2004-115

BACKGROUND and DESCRIPTION:

The Qualified Target Industry (QTI) Tax Refund Program is one of the state's principal economic development incentives. The program provides tax refunds to existing or new businesses that create high-wage jobs by expanding in Florida or relocating to the state. The state provides the refunds of paid taxes through an annual appropriation by the Legislature, which for fiscal year 2003-2004 was \$27 million for the QTI program. The Qualified Defense Contractor (QDC) Tax Refund Program is a similar but less-utilized program that provides tax refunds to defense-related businesses that secure a new Department of Defense contract, consolidate a defense contract in this state, or convert defense-production jobs to nondefense-production jobs. Under s. 288.106(7), F.S., the QTI statute expires on June 30, 2004, and under s. 288.1045(7), F.S., a new applicant may not be certified to participate in the QDC program after June 30, 2004. Therefore, unless the Legislature reenacts or saves the statutes from repeal, the programs will effectively be closed to new business activity.

PROJECT OBJECTIVE(S):

Evaluate the effectiveness of the tax refund programs for qualified target industry businesses and qualified defense contractors as economic development incentives, with the evaluation serving as the basis of a recommendation to the Legislature to reenact, revise, or allow the programs to expire. Evaluate whether the QTI and QDC programs may be modified to more accurately forecast appropriation needs.

METHODOLOGY:

Research will begin with interviews of, and collection of data from, staff of Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development who are involved with administration of the tax refund programs for qualified target industry businesses and qualified defense contractors. These activities will be followed by interviews of site selection consultants and businesses receiving refunds under these programs to determine how these incentives influence decisions to locate or expand in Florida. Community leaders and economic development professionals in areas where businesses are receiving benefits under the QTI and QDC programs will also be asked for their assessments of how the QTI and QDC programs have affected their communities. This interim project will be conducted jointly with the Appropriations Subcommittee on Transportation and Economic Development

INTERIM PROJECT TITLE:

Administration of the School Readiness Programs

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-116

BACKGROUND and DESCRIPTION:

In 1999, the Legislature consolidated the state's early education and child care programs, including the prekindergarten early intervention program formerly administered by the Department of Education and the subsidized child care program formerly administered by the Department of Children and Family Services (ch. 99-357, L.O.F.). These consolidated programs became known as "school readiness programs" administered by the Florida Partnership for School Readiness and the local school readiness coalitions. In 2001, the Legislature transferred the partnership from the Executive Office of the Governor to the Agency for Workforce Innovation (s. 16, ch. 2001-170, L.O.F.), where the partnership is currently assigned for administrative purposes.

As a result of the initial phase-in and transfers of the school readiness programs, the laws governing these programs contain obsolete historical references and are found in disparate sections of the Florida Statutes. For example, the School Readiness Act (s. 411.01, F.S.) specifies that the school readiness program was to be phased in on a coalition-by-coalition basis and that, until a coalition implemented a school readiness plan, the county continued to receive services for early education and child care programs through the various agencies that previously were responsible for delivering those services. Since 2002, each of the state's 67 counties is served by a local coalition with an approved plan; consequently, these phase-in provisions are now obsolete.

During the 2003 Regular Session, in preparation for implementation of the voluntary universal prekindergarten education program mandated by s. 1(b) and (c), Art. IX of the State Constitution, the Legislature directed the Office of Program Policy Analysis and Government Accountability (OPPAGA) and the Auditor General to conduct audits of the school readiness programs. OPPAGA's audit must, among other things, identify any modifications or options necessary for the school readiness system to effectively implement the prekindergarten program. (See interim monitor project number 2004-338.)

PROJECT OBJECTIVE(S):

Review the School Readiness Act (s. 411.01, F.S.), as well as any related sections of law governing school readiness programs and associated child-care programs, to identify those obsolete or erroneous provisions and other technical and conforming changes needed to improve the organization and clarity of these governing statutes to prepare for the Legislature's anticipated consideration of policy changes to the school readiness programs during the 2004 Regular Session.

METHODOLOGY:

Conduct interviews with staff from the Florida Partnership for School Readiness and the Agency for Workforce Innovation; review the School Readiness Act (s. 411.01, F.S.), as well as any related sections of law governing school readiness programs and associated child-care programs; and identify those obsolete or erroneous provisions and other technical and conforming changes needed to improve the organization and clarity of these governing statutes, which may then be addressed by legislative action.

INTERIM PROJECT TITLE:

Effect of the Federal Do-Not-Call Registry on Florida's Do-Not-Call Registry and the State Agencies that Enforce It

DATE DUE: December 1, 2003

PROJECT NUMBER: 2004-117

BACKGROUND and DESCRIPTION:

The Federal Trade Commission (FTC) revised its Telemarketing Sales Rule (TSR) in October 2002 to create a national Do-Not-Call (DNC) registry that prohibits a telemarketing company from calling a consumer registered on the list. Beginning July 1, 2003, any consumer may register a residential or mobile telephone number for free, and the registration is effective for five years. The Federal Communications Commission (FCC) adopted the FTC registry as its national DNC registry in June 2003, and its rule has the same dates and procedures. The federal DNC rules, in general, do not prohibit calls by political organizations, charities, telephone surveyors, the sellers of insurance, organizations that the consumer has a prior business relationship with or has made an inquiry to, or by companies that have the consumer's written permission. A company that violates the federal rules may be subject to an \$11,000 fine per violation.

Additionally, the FCC DNC rule requires a state with a DNC registry to place a consumer's information, at no cost to the consumer, into the state DNC registry when the consumer registers with the federal DNC registry. The federal DNC rules do not preempt a state from enforcing its own DNC law.

Florida's DNC law, s. 501.059, F.S., requires a Florida consumer to pay an initial \$10 registration fee for the first year and \$5 per year to renew thereafter to register a residential, pager, or mobile telephone number. This registry does not prohibit a call from a political organization, charity, newspaper publisher, collection agency, a company with a prior business relationship with the consumer, a company responding to a consumer's specific request, a licensed real estate salesperson responding to a "For Sale" sign, or a telephone surveyor. A company that violates the state law may be subject to a \$10,000 fine per violation.

PROJECT OBJECTIVE(S):

Analyze the effect of the federal DNC registry on Florida's DNC law and on the Department of Agriculture and Consumer Services (DACS) and the Attorney General's office. Research the current statutory fee structure of Florida's DNC law and its compatibility with the federal DNC registry. Analyze the enforcement mechanism of the federal DNC registry in relation to DACS and the Attorney General's office.

METHODOLOGY:

Assess any impact of the federal DNC registry on registrations to Florida's DNC registry; meet with DACS and the Attorney General's office to assess the federal DNC registry's financial impact on each agency and to review the enforcement role of each agency; research and compare the exemptions of the federal DNC registry and Florida's DNC registry; solicit input from businesses and consumer protection organizations; and determine if legislative action is recommended.

MANDATORY REVIEWS

INTERIM MANDATORY REVIEW TITLE:

Open Government Sunset Review of the Public Records Exemption for Business Records Provided with an Offer of Damages in Eminent Domain Negotiations (s. 73.0155, F.S.)

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-201

BACKGROUND and DESCRIPTION:

When a condemning authority, such as a county or the state Department of Transportation, identifies a parcel of property to be acquired under the eminent domain law for the purposes of a right-of-way, a business located on the property may, under certain conditions, pursue business damages. As part of the statutorily required negotiations before an eminent domain proceeding, an eligible business owner must submit to the condemning authority an offer to settle any claims of business damage. In conjunction with the business-damage offer, the business must provide the condemning authority with business records to substantiate the claim. These records may include, among others, federal income tax returns, federal income tax withholding statements, state sales tax returns, balance sheets, profit-and-loss statements, and state corporate income tax returns. Section 73.0155, F.S., provides that these business records are exempt from the state's public records requirements if their disclosure would likely cause substantial harm to the competitive position of the business and if the business requests that the records be held exempt. This public records exemption is subject to review by the Legislature under the Open Government Sunset Review Act, and it expires on October 2, 2004, unless it is reenacted by the Legislature after that review.

PROJECT OBJECTIVE(S):

Review the public records exemption for certain business records provided to a condemning authority under the eminent domain law, using the criteria established in the Open Government Sunset Review Act, and recommend whether the exemption should be reenacted.

METHODOLOGY:

Through communications with condemning authorities, businesses, and other stakeholders, assess the types of materials covered by the public records exemption, issues related to the administration of the exemption, the effect and significance of the exemption, any public purposes or goals of the exemption, and whether the information in the records can be obtained by alternative means

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Effort to Secure the Permanent Secretariat for the Free Trade Area of the Americas

DATE DUE: N/A

PROJECT NUMBER: 2004-335

BACKGROUND and DESCRIPTION:

The state's effort to secure the permanent Secretariat for the Free Trade Area of the Americas (FTAA) in Miami has continued to increase in scope. The FTAA, currently being negotiated by 34 nations of the Western Hemisphere, has the potential to be one of the most far-reaching trade agreements in history. If agreement is reached, it would unite the economies of the Western Hemisphere into a single free trade area comprising 800 million consumers with an estimated gross domestic product of \$14 trillion. The FTAA negotiations are scheduled to be concluded by 2005. The FTAA will require permanent administrative offices, called the Secretariat, to administer the agreement. Florida is promoting Miami as the location for the permanent Secretariat and is seeking approval from the other FTAA countries of the Miami location well before the negotiations are completed. The Governor has made some high-profile appointments to the non-profit organization assisting the state in this effort, and private businesses are increasing their assistance as well. Florida faces competition from Georgia, which is actively promoting Atlanta as a candidate for the permanent Secretariat, and from other FTAA member nations. Miami has recently been selected as the site for the November 2003 Trade Ministerial Meeting of the FTAA.

PROJECT OBJECTIVE(S):

Monitor the state's activities regarding the effort to secure the permanent Secretariat for the FTAA in Miami and determine if there are issues that may be addressed by legislative action that would complement the effort to secure the permanent Secretariat. Monitor activities related to the hosting of the Trade Ministerial Meeting of the FTAA.

METHODOLOGY:

Conduct interviews with the appropriate individuals involved in the Secretariat effort and trade meeting and review implementation plans, status reports, and project timelines to the extent such materials are available. If appropriate, review potential legislation or other policies designed to assist in securing the permanent Secretariat in Miami.

INTERIM MONITOR PROJECT TITLE:

International Advocacy and International Representation Activities

DATE DUE: N/A

PROJECT NUMBER: 2004-336

BACKGROUND and DESCRIPTION:

The Department of State, Office of International Affairs, has contracted with the Governor's Office of Tourism, Trade, and Economic Development (OTTED) through a Memorandum of Understanding (MOU) to oversee the Department of State's international advocacy programs. During the 2003 Regular Session, the Legislature considered, but did not pass, legislation that would transfer these programs to the Executive Office of the Governor as part of the proposal to merge the Department of State with the Department of Community Affairs. The MOU will remain in effect until legislation passes merging the two agencies, which legislation may be considered during the 2004 Regular Session. Also, during fiscal year 2002-2003, Enterprise Florida, Inc., (EFI) considered the cancellation of several international representation arrangements (e.g., "foreign offices") due to reduced revenues from the rental car surcharge, which revenues help support EFI's international trade activities. It is possible that some international representation arrangements may have to be reevaluated for fiscal year 2003-04.

PROJECT OBJECTIVE(S):

Monitor the ongoing agreement between the Office of International Affairs of the Department of State and the Governor's Office of Tourism, Trade, and Economic Development to determine the effectiveness of the operation and implementation of the Department of State's international advocacy programs. Additionally, monitor the effect of fiscal year 2002-03 and fiscal year 2003-04 revenue constraints on the international representation arrangements of Enterprise Florida, Inc.

METHODOLOGY:

Conduct interviews with staff from the Office of Tourism, Trade, and Economic Development and staff of the Office of International Affairs, and review ongoing international advocacy programs. Conduct interviews with staff from Enterprise Florida, Inc., (EFI) and review contract and funding arrangements for EFI's foreign offices.

INTERIM MONITOR PROJECT TITLE:

Implementation of 2003 Economic Development Legislation

DATE DUE: N/A

PROJECT NUMBER: 2004-337

BACKGROUND and DESCRIPTION:

During the 2003 Regular Session, the Legislature adopted an economic development bill (HB 691, ch. 2003-270, L.O.F.) that, in part, revised the Capital Investment Tax Credit Program in an effort to help Florida be more competitive in the effort to recruit a financial services company that is expected to create at least 2,000 new jobs in this state, pay an average annual wage of \$50,000, and make a cumulative capital investment of at least \$30 million. The legislation also revised the Quick Action Closing Fund, to streamline use of moneys under the fund and to allow for reallocation of unencumbered moneys, and made changes to other economic development programs. This project will monitor implementation of HB 691, particularly as it relates to the competition among the states to recruit this financial services company.

PROJECT OBJECTIVE(S):

Monitor Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development as they market the state to a new financial services facility in this state which would create at least 2,000 new jobs in this state, pay an average annual wage of \$50,000, and make a cumulative capital investment of at least \$30 million; monitor the disbursement or reallocation of Quick Action Closing Fund moneys; and identify any issues for legislative action related to implementation of HB 691.

METHODOLOGY:

Interview staff of the Office of Tourism, Trade, and Economic Development (OTTED) and Enterprise Florida, Inc., regarding their progress in marketing Florida to the financial services facility, competition from other states, and the status of any relocation decision by the facility; and contact OTTED staff for information related to the disbursement or reallocation of Quick Action Closing Funds.

INTERIM MONITOR PROJECT TITLE:

Implementation of the Universal Prekindergarten Education Program

DATE DUE: N/A

PROJECT NUMBER: 2004-338

BACKGROUND and DESCRIPTION:

During the 2003 Regular Session, the Legislature began preparations for implementation of Amendment No. 8 (Voluntary Universal Pre-Kindergarten Education), s. 1(b) and (c), Art. IX of the State Constitution. The Legislature specified that the voluntary universal prekindergarten education program shall provide a high-quality prekindergarten learning opportunity in the form of early childhood development and education which is voluntary and free for every 4-year-old child in the state (ch. 2003-93, L.O.F.).

The Legislature required the State Board of Education to conduct a study and submit a report by October 1, 2003, to the Governor and Legislature on the curriculum, design, and standards for the new prekindergarten program. The report must include the state board's recommendations or options for implementing certain program elements (i.e., curriculum and standards, high-quality learning opportunity, quantity of instruction, delivery system, assessment and evaluation, and funding).

The Legislature further required the Office of Program Policy Analysis and Government Accountability (OPPAGA) and the Auditor General to conduct audits and report findings and recommendations to the Governor and Legislature by January 15, 2004, on the existing school readiness programs administered by the Florida Partnership for School Readiness and the local school readiness coalitions.

OPPAGA is directed to conduct a performance audit, which must follow up on its 2002 program review of the school readiness system. The audit must also:

- Monitor the State Board of Education's study on the voluntary universal prekindergarten education program;
- Evaluate the existing school readiness system's ability to implement the prekindergarten program based on the state board's recommendations or options for the curriculum, design, and standards for the program; and
- Identify modifications to the existing school readiness system needed to effectively implement the prekindergarten program.

The Auditor General is directed to conduct a financial and operational audit of the school readiness system for the same audit period as OPPAGA's audit (FY 2000-2001, FY 2001-2002, and FY 2002-2003).

PROJECT OBJECTIVE(S):

Monitor the State Board of Education's study on the curriculum, design, and standards for the voluntary universal prekindergarten education program and concurrently monitor the audits of the existing school readiness programs to be conducted by the Office of Program Policy Analysis and Government Accountability and by the Auditor General.

METHODOLOGY:

Attend meetings of the State Board of Education which relate to the study on the curriculum, design, and standards for the voluntary universal prekindergarten education program; maintain contact with staff of the Commissioner of Education and the State Board of Education while the state board conducts its study; review the state board's report of recommendations or options for the prekindergarten program; maintain contact with staff of the Office of Program Policy Analysis and Government Accountability and of the Auditor General while they conduct audits of the existing school readiness programs and review their audit reports; maintain contact with staff from the Florida Partnership for School Readiness and the Agency for Workforce Innovation throughout the duration of the study and audits; and review implementation plans, status reports, performance data, or other similar documentation to the extent those materials are available. This monitor project will be conducted jointly with the Committee on Education. (See interim monitor project number 2004-353.)

Communication and Public Utilities

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Renewable Energy

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-118

BACKGROUND and DESCRIPTION:

In January, 2003, the Public Service Commission and the Department of Environmental Protection issued a joint report *An Assessment of Renewable Electric Generating Technologies for Florida*. This project would evaluate the options raised in that report and determine a method to implement a requirement for a minimum amount of renewable energy in Florida.

Time permitting, the project will also evaluate how to encourage the general development and use of biomass fuels, such as biodiesel.

PROJECT OBJECTIVE(S):

To develop a bill to establish a requirement for renewable energy and to provide for implementation of that requirement.

METHODOLOGY:

Staff will work with representatives from the Public Service Commission, the Department of Environmental Protection, the electric energy industry, the municipal solid waste industry, and other interested parties in making these evaluations and determinations.

Staff from the Agriculture Committee and the Commerce, Economic Opportunities and Consumer Services Committee will assist where appropriate.

INTERIM PROJECT TITLE:

Feasibility and Revenue Impact of Bundling Telecommunications Services for Tax Purposes

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-119

BACKGROUND and DESCRIPTION:

During the 2003 Legislative Session, Senate Bill 2666 – Taxable Price of Bundled Transactions – was introduced. The bill revised the procedure for determining the service address for third number calling and calling-card calls and provided for taxation of a “bundled transaction,” which was defined as a transaction consisting of distinct and identifiable properties and services that are sold for a single, non-itemized price but which are treated differently for tax purposes. The bill pertained to the Communications Service Tax currently applied to telephone service, both landline and wireless, and cable and satellite TV.

The legislation addressed the issue of how to tax bundled service offerings while ensuring that exempt services remain exempt and taxable services remain taxable. This was to be accomplished by allowing companies to levy tax on the taxable components of the bundle while exempting the non-taxable parts of the bundle. The Revenue Estimating Conference was unable to quantify a fiscal impact should the bill have been implemented. Apparently various communications companies currently have different interpretations about the taxability of services such as Internet access, and there is no uniform practice in the industry.

PROJECT OBJECTIVE(S):

To determine the feasibility of a bill that allows affected companies to levy tax on taxable components of their service bundle while exempting the non-taxable elements of the bundle and quantify the fiscal impact.

METHODOLOGY:

Staff would meet with the Department of Revenue and conduct surveys of potentially affected companies as to their interpretation of the law and their projections of such legislation's fiscal impact. The Finance and Taxation Committee will be assisting with this project.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Implementation of the Tele-Competition Innovation and Infrastructure Enhancement Act

DATE DUE: N/A

PROJECT NUMBER: 2004-339

BACKGROUND and DESCRIPTION:

During the 2003 regular legislative session, CS for SB 654, the Tele-Competition Innovation and Infrastructure Enhancement Act, was passed. This act authorizes reductions to intrastate interexchange switched network access charges in a revenue neutral manner upon petition by a company and upon findings by the Florida Public Service Commission that certain criteria are met. The act removes intrastate interexchange telecommunications companies from certain regulatory obligations. The bill also adds as criteria persons at or below 125 percent of the federal poverty guidelines to qualify for Lifeline assistance to receive a \$13.00 subsidy for basic local telecommunications service. This project will monitor the implementation of this act.

PROJECT OBJECTIVE(S):

To determine the effects of the bill as it is implemented.

METHODOLOGY:

Staff will work with representatives from the Public Service Commission, Office of Public Counsel, and the telecommunications industry in making this review.

Comprehensive Planning

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Interlocal Agreements and the Annexation Process

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-120

BACKGROUND and DESCRIPTION:

Chapter 171, F.S., is intended to provide for efficient service delivery and to limit annexation to urban service areas. The Senate Committee on Comprehensive Planning, Local and Military Affairs completed an interim project report in January 2003 that examined service delivery issues as well as other conflicts resulting from annexation. This report included recommended statutory changes in the annexation process. The goal of these proposed changes is to eliminate duplication of services, provide for more efficient service delivery, ensure logical municipal boundary expansion, and promote good growth management policy.

During the 2003 Regular Session, legislation was proposed which would have created the “Local Government Boundary Adjustment and Service Delivery Interlocal Agreement Act”. The legislation provided a voluntary boundary adjustment and service delivery interlocal agreement process as an alternative to current law for future annexations. Under this legislation, a county could enter into a boundary adjustment and service delivery interlocal agreement with a municipality within that county. This interlocal agreement could not exceed a term of 20 years, but the parties could review and consider revisions to the agreement every 4 years unless another time period is agreed upon by the parties. However, this legislation did not pass into law.

PROJECT OBJECTIVE(S):

The objective of the project is to develop proposed statutory changes to the annexation process that include the interlocal agreement process for the 2004 Regular Session.

METHODOLOGY:

Committee staff will work with representatives of the cities, counties, and special districts to develop proposed legislation.

INTERIM PROJECT TITLE:

Community Development Districts

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-121

BACKGROUND and DESCRIPTION:

Since 1980, chapter 190, F.S., has provided a procedure for establishing a Community Development District (CDD), an independent special district with a broad range of governmental powers to provide

for the planning, management and financing of capital infrastructure for planned commercial and residential developments.

CDDs larger than 1,000 acres may only be established by rule of the Florida Land and Water Adjudicatory Commission (FLAWAC). To date, 33 have been created. A county or municipality may, by ordinance, establish a CDD of less than 1,000 acres. To date, approximately 101 have been created.

Recently, developers and homeowners within CDDs have identified a number of issues related to CDDs that could be addressed by the committee. While legislation was introduced in 2003 to amend chapter 190, F.S., it did not pass into law.

PROJECT OBJECTIVE(S):

The objective of this project is to identify problems or issues related to:

- establishment and dissolution of CDDs;
- disclosure to prospective homeowners of potential CDD assessments;
- assumption of district financial obligations by homeowners;
- enforcement of deed restrictions on properties within CDDs that do not have a mandatory homeowner's association; and
- intergovernmental relations.

With this information, staff will evaluate whether to recommend amending ch. 190, F.S., to address these issues.

METHODOLOGY:

Staff will review these issues by interviewing affected and interested parties.

INTERIM PROJECT TITLE:

Nuisance Abatement

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-122

BACKGROUND and DESCRIPTION:

Section 893.138, F.S., allows counties and municipalities to create administrative boards to hear nuisance complaints related to drug-related, prostitution-related, stolen-property related and street-gang related activities conducted on specific property.

If the county or municipal board, after holding a hearing, declares a place to be a public nuisance, it may require the owner to abate the nuisance or order the closing of the premises for an up to one year.

Legislation was introduced in the 2003 session which would have limited the authority of the administrative boards and provided non-resident property owners a reasonable time to abate the nuisance before the property is closed. Further, the legislation provided that a closure to abate a public nuisance does not constitute a taking. The legislation did not pass into law.

PROJECT OBJECTIVE(S):

The objective of this project is to identify the following information related to administrative boards addressing nuisance complaints:

- how many local governments use administrative boards for nuisance abatement;
- how successful such boards are at abating such nuisances;
- how many properties or businesses are closed as a result of board actions;
- how long these properties remained closed; and
- the number of board actions challenged by property owner.

With this information, staff will evaluate whether the statutes should be amended to address the authority of these administrative boards and the rights and responsibilities of property owners affected by board decisions.

METHODOLOGY:

This information may be obtained through a survey of Florida's counties and municipalities, with assistance from the Legislative Committee on Intergovernmental Relations (LCIR).

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Implementation of the Homelessness Legislation Enacted in 2001

DATE DUE: N/A

PROJECT NUMBER: 2004-340

BACKGROUND and DESCRIPTION:

In 2001, the Legislature established the State Office on Homelessness and the Council on Homelessness to address the problem of homelessness. They also reserved 5% of State Apartment Incentive Loan Program (SAIL) funds for housing programs serving homeless persons and appropriated funds for "Challenge Grants" and "Homeless Housing Assistance Grants" to fund homeless services and housing for the homeless.

In addition, s. 16 of 2001-98, L.O.F., requires the Office of Program, Policy Analysis, and Government Accountability (OPPAGA) to conduct a review of, and prepare a report concerning, the economic impact of homelessness on local and state agencies in the state. The report must be submitted by January 1, 2005, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

PROJECT OBJECTIVE(S):

The objective is to monitor the actions of the State Office on Homelessness and the Council on Homelessness.

METHODOLOGY:

Staff will monitor the actions of the State Office on Homelessness and the Council on Homelessness and the distribution of grant funds to identify implementation problems and any necessary statutory changes for the 2004 Legislative Session. In addition, staff will monitor or assist OPPAGA as they prepare their report to the Governor and Legislature.

INTERIM MONITOR PROJECT TITLE:

Updating of the Florida Building Code

DATE DUE: N/A

PROJECT NUMBER: 2004-341

BACKGROUND and DESCRIPTION:

The current Florida Building Code became effective March 1, 2002. The code is based on the National Standard Building Code with amendments to address 'Florida specific' situations.

Section 553.73(6), F.S., requires the Florida Building Commission, by rule, to update the code every three years, considering:

- changes made by the adopting entity of the model code incorporated into the existing Florida Building Code; and
- the commission's interpretations, declaratory statements, appellate decisions, and statewide and local technical amendments.

The commission may also adopt the new edition or successor of a model code.

The commission is scheduled to begin the updating process this summer.

PROJECT OBJECTIVE(S):

The objective is to monitor the commission's actions relating to updating the Florida Building Code.

METHODOLOGY:

Staff will monitor the actions and recommendations of the Florida Building Commission and review materials related to any proposed legislation.

INTERIM MONITOR PROJECT TITLE:

Implementation of the Rehabilitation Code for Existing Buildings

DATE DUE: N/A

PROJECT NUMBER: 2004-342

BACKGROUND and DESCRIPTION:

Section 2 of ch. 2002-293, L.O.F., directed the Florida Building Commission to “develop building code provisions that may be added to the code to facilitate the rehabilitation and use of existing structures.” Lawmakers further directed the commission to “select from available national or international model codes or the codes or code provisions adopted by another State to form the foundation for the code provisions.” The Legislature provided that the commission could modify the selected model codes to meet the specific needs of Florida and that it should seek consensus with fire safety professionals, building officials, land use planners, advocates for persons with disabilities, the construction industry and other interested parties.

Procedures in ch. 120, F.S., rule adoption procedures, coupled with the special procedures for code development and implementation of s. 553.73, F.S., and the commission’s rules of procedure for amending the Florida Building Code, will result in the new Existing Buildings Code not taking effect until July 2004.

PROJECT OBJECTIVE(S):

The objective is to monitor the commission’s actions relating to adopting the Rehab Code.

METHODOLOGY:

Staff will monitor the actions and recommendations of the Florida Building Commission and review materials related to any proposed legislation.

INTERIM MONITOR PROJECT TITLE:

Implementation of the Building Product Approval System by the Florida Building Commission

DATE DUE: N/A

PROJECT NUMBER: 2004-343

BACKGROUND and DESCRIPTION:

Section 553.842, F.S., requires the Florida Building Commission to adopt an administrative rule to develop and implement a product evaluation and approval system that applies statewide to operate in coordination with the Florida Building Code. Effective October 1, 2003, Rule 9B.72, F.A.C., implements the commission’s recommendation. The rule provides that all products must comply with standards established by the code and their use must be approved by a building official. Alternatively, certain new products and panel walls, external doors, roofing, skylights, windows, shutters and certain structural components may obtain approval by the commission for statewide use as appropriate.

The cost-efficiency of the rule was debated during the 2003 Legislative Session. First, legislation was filed to revise s. 553.842, F.S., to significantly restrict the commission’s role in the building product approval system. Second, efforts were made to delay the implementation of the rule until at least January 1, 2004, and to require the commission to conduct a review of the costs and benefits of the rule. However, no legislation passed.

Staff of the commission indicates that they plan to amend the rule to decrease costs to industry, and defer to local product approval processes to a greater extent.

PROJECT OBJECTIVE(S):

The objective is to monitor the commission's actions relating to amending and adopting the rule providing for a building product approval system.

METHODOLOGY:

Staff will monitor the actions and recommendations of the Florida Building Commission and review materials related to any proposed legislation.

INTERIM MONITOR PROJECT TITLE:

Implementation of the Housing Assistance for Needy Families (HANF) Program by HUD

DATE DUE: N/A

PROJECT NUMBER: 2004-344

BACKGROUND and DESCRIPTION:

The housing choice voucher program (Section 8) is the federal government's major program for assisting very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market. Since housing assistance is provided on behalf of the family or individual, participants are able to find their own housing, including single-family homes, townhouses and apartments.

The Housing Assistance for Needy Families (HANF) is a new initiative from HUD, under which the funding for Section 8 vouchers, which has been allocated to approximately 2,600 Public Housing Authorities (PHAs), would be allocated to the states. States, in turn, could choose to contract with PHAs or other entities to administer the program. The funding for both incremental and renewal vouchers will be contained in the HANF account.

HUD proposes that FY 2004 be a transition year in which PHAs would continue to receive voucher funds directly while states ramp up in preparation for administering the HANF program.

During the 2003 Legislative session, the Florida Housing Finance Corporation (FHFC) sought statutory authority to establish a subsidiary corporation to administer and manage the proposed HANF program under contract with the US Department of Housing and Urban Development (HUD). It is anticipated that they will again seek this authority in the 2004 Legislative Session.

PROJECT OBJECTIVE(S):

The objective is to monitor the Federal Government's implementation of the HANF program and FHFC's response.

METHODOLOGY:

Staff will monitor the federal legislation relating to the HANF program and FHFC's response.

Criminal Justice

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Electronic Recording of Suspect Interrogations

DATE DUE: January 15, 2004

PROJECT NUMBER: 2004-123

BACKGROUND and DESCRIPTION:

This project will explore the practical aspects of recording (video and/or audio) the interrogation of suspects in criminal cases. There have been several high-profile cases in the recent past where convicted defendants who had confessed to committing very serious crimes were later exonerated based on other evidence. Several jurisdictions in Florida (Duval and Broward counties) have adopted policies regarding recording confessions. Nearly a decade ago the Minnesota Supreme Court ordered the electronic recording of all police interrogations of people in custody. Alaska requires it as well.

PROJECT OBJECTIVE(S):

To examine the implementation of the policy that certain suspect interrogations or confessions be recorded by law enforcement in the Florida jurisdictions that have adopted such a policy; consider the practical evidentiary issues with regard to the recording requirement; review the law in other states and factors related to why people confess to crimes they did not commit.

METHODOLOGY:

Survey the jurisdictions in Florida that have implemented electronic recording policies; discuss with interested parties; review the law in other states, pertinent literature and studies.

INTERIM PROJECT TITLE:

Review of Chapter 948, F.S., Concerning Probation and Community Control

DATE DUE: December 1, 2003

PROJECT NUMBER: 2004-124

BACKGROUND and DESCRIPTION:

Over 150,000 felons in Florida are on probation or community control supervision. Chapter 948, F.S., describes the state's community supervision program and its requirements. However, this chapter is poorly organized and contains confusing, contradictory and obsolete provisions. The chapter has been regularly amended over the years, causing or compounding the problem. There has not been a thorough revision of the chapter for more than ten years.

PROJECT OBJECTIVE(S):

This interim project will result in a recommendation for revisions to ch. 948, F.S., to remove obsolete language, reconcile conflicting directives, and clarify the rules and regulation that have to be used by the courts, agencies, and officers. The final product will consist of proposed legislation that represents a consensus of interested parties, with a staff report explaining the findings. Any substantive or policy issues will be clearly identified as such and separated from the technical revision.

METHODOLOGY:

Staff will use previously produced information as a starting point, and will conduct additional legal and legislative research and consult with the Department of Corrections and the judiciary at a minimum.

INTERIM PROJECT TITLE:

Potential Criminal Justice Benefits of Incorporating Multi-Media Resources on Forensics and Criminal Law into High School Curricula

DATE DUE: January 15, 2004

PROJECT NUMBER: 2004-125

BACKGROUND and DESCRIPTION:

Court TV and partnering organizations have developed “Forensic Science in the Classroom” and “Lessons in the Law,” multi-media resources on forensics and criminal law that can be incorporated in physical science and social studies curricula. Leon County School District is one of two school districts in the nation selected to implement a pilot project using broadband technology and these multi-media resources to address teaching standards for high school physical science and social studies curricula. Pilot project research focuses on their potential value to teaching and learning.

PROJECT OBJECTIVE(S):

This interim project focuses on some of the potential benefits of these multi-media resources to the criminal justice system, such as interesting students in criminal justice careers; enhancing interactions between students and school resource officers; demystifying policing, criminal justice processes, the court system, and the law; and “resensitizing” students to violence and educating them on the consequences of criminal behavior.

METHODOLOGY:

This project will involve review of available research; interviews with researchers, school officials, teachers, school resource officers, sheriff personnel, the FDLE crime lab, Cable in the Classroom, Comcast Cable, Court TV, the American Academy of Forensic Science, Street Law, Inc., and others; and multiple site visits to the pilot project classes.

INTERIM PROJECT TITLE:

Judicial Discretion Placing Juveniles in Specific Commitment Programs

DATE DUE: January 15, 2004

PROJECT NUMBER: 2004-126

BACKGROUND and DESCRIPTION:

An issue came up during the 2003 regular session in the form of legislation (SB 1900) that would have allowed a judge, when ordering a juvenile to be committed to the Department of Juvenile Justice (DJJ), to specify a particular program or facility within a residential commitment level. (Currently, a judge may not specify a particular program or facility, only the residential commitment level, which includes low-risk, moderate-risk, high-risk, or maximum-risk, when committing a juvenile.) The DJJ maintained that this new practice would infringe upon its ability and authority to manage the placement

of adjudicated juveniles in commitment programs. There was no testimony from the judiciary for committee members to listen to at the committee meeting when this bill was heard. (The Senate Bill died in the Judiciary Committee, and the companion bill, HB 1741, passed the House and died in the Senate Criminal Justice Committee.)

PROJECT OBJECTIVE(S):

Staff will prepare a report outlining the current commitment placement process and how it would be affected by the change proposed in SB 1900. Input from juvenile judges as well as the department will be included to provide legislators with relevant information from all affected parties to assist them in making a well informed policy decision on this subject.

METHODOLOGY:

Staff will examine this issue by gathering and reviewing relevant information, and supplying input from the department and from juvenile judges on the desirability of making this statutory change.

INTERIM PROJECT TITLE:

A Review of the Department of Corrections' Inmate Work-Release Law

DATE DUE: January 15, 2004

PROJECT NUMBER: 2004-127

BACKGROUND and DESCRIPTION:

The Department of Corrections' inmate work-release program was recently the subject of controversy and legislation during the 2003 session. This legislation was prompted from media reports that pointed to problem areas in the way inmates were transported to and from employment sites. Chairman Villalobos was concerned by these reports, sponsored the legislation and requested staff to research the issue. Section 945.091 F.S., is the provision of law governing the extension of the limits of confinement. This section contains various provisions regulating the work-release program and the inmate furlough program.

PROJECT OBJECTIVE(S):

The project is designed to (1) review the agency's implementation of s. 945.091, F.S., and (2) survey other states' work-release laws and provide a comparison with Florida's law. Committee staff will produce a report and make a presentation to the committee.

METHODOLOGY:

Staff will collect descriptive statistics and evaluations on the Florida program, interview agency officials and other stakeholders. Staff will also conduct legal research on the work-release laws in other states and review relevant literature.

INTERIM PROJECT TITLE:
FDLE Firearm Purchase Program

DATE DUE: December 1, 2003

PROJECT NUMBER: 2004-128

BACKGROUND and DESCRIPTION:

Section 790.065, F.S., which established and authorized the Firearm Purchase Program within FDLE is repealed effective June 1, 2004, unless it is reenacted by the Legislature. The Program performs criminal record checks on potential firearm purchasers for licensed firearm dealers.

PROJECT OBJECTIVE(S):

To collect information from interested parties related to the Program and its termination.

METHODOLOGY:

Meet with interested parties and review the effectiveness of the Program.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:
Impact of Privatization of Food Service in the Prison System

DATE DUE: N/A

PROJECT NUMBER: 2004-345

BACKGROUND and DESCRIPTION:

In Fiscal Year 2002, the Department of Corrections privatized its food service function throughout the state correctional system. This project will monitor the impact of the privatization effort, reviewing cost issues as well as whether the delivery of food service by a private corporation has had an impact upon inmate morale.

PROJECT OBJECTIVE(S):

To determine whether privatization of food service has resulted in cost savings, and whether the quality or quantity of the food served has changed so as to have an impact upon morale in the state's prisons.

METHODOLOGY:

Historical and current data will be gathered from the Department of Corrections and vendors to assess the cost impact, and menus will be compared to determine change in kind and quality of food. If feasible, informal interviews will be conducted with staff and inmates to assess the quality of food service and whether service by vendors has increased inmate dissatisfaction.

INTERIM MONITOR PROJECT TITLE:

Implementation of SB 278 Regarding Transportation of Inmates

DATE DUE: N/A

PROJECT NUMBER: 2004-346

BACKGROUND and DESCRIPTION:

Senate Bill 278 prohibits the Department of Corrections from using inmate drivers to transport work release inmates in state-owned vehicles and requires work release inmates to obtain alternate transportation. Subject to specific appropriation of funds, the department is permitted to transport inmates who are unable to obtain authorized alternate transportation.

PROJECT OBJECTIVE(S):

This project will monitor the department's compliance with SB 278. The project will also monitor the alternate modes of transportation used by work release inmates and any impact on the ability of inmates to obtain employment.

METHODOLOGY:

Staff will request reports from the department regarding the modes of transportation used by work release inmates both before and after passage of the legislation. Selective interviews or surveys of work release inmates may also be obtained.

INTERIM MONITOR PROJECT TITLE:

Implementation of the Settlement Agreement in Osterback v. Moore

DATE DUE: N/A

PROJECT NUMBER: 2004-347

BACKGROUND and DESCRIPTION:

Osterback v. Moore is a class-action suit filed by inmates alleging that the conditions of close management confinement in the Department of Corrections violate their constitutional right to be free from cruel and unusual punishment. In October 2001, the parties entered into a settlement agreement in which the department agreed to change certain practices relating to close management.

PROJECT OBJECTIVE(S):

The objective of the project is to determine whether the parties are complying with the provisions of the settlement agreement in *Osterback v. Moore*.

METHODOLOGY:

The project will require review of quarterly reports that are provided to the court and inmates' counsel pursuant to the settlement agreement. Department of Corrections' rules and policies that relate to close management will be monitored. In addition, interviews may be conducted with department personnel and representatives of inmates.

INTERIM MONITOR PROJECT TITLE:

Monitor Cases Regarding Florida's Sexual Predator and Sexual Offender Registration and Notification System

DATE DUE: N/A

PROJECT NUMBER: 2004-348

BACKGROUND and DESCRIPTION:

Florida's Sexual Predator Act requires court designation of certain sexual offenders as certain sexual predators, requires those sexual predators to provide certain information that is public record, and requires that this information be made available via the Internet to any member of the public that wished to access this information.

In *Espindola v. State*, 2003 WL 118634 (Jan. 15, 2003), the Florida Third District Court of Appeal held that Florida's Sexual Predator Act violates procedural due process, basing its holding on the failure of the statute to contain a provision allowing for a hearing to determine whether the defendant presents a danger to the public sufficient to require registration and public notification. There is a pending motion for rehearing en banc of this decision.

Subsequent to *Espindola*, the United Supreme Court decided two cases dealing with issues relating to Connecticut's sexual offender notification and registration system, *Connecticut Dept. of Public Safety v. Doe*, 123 S.Ct. 1160, 155 L.Ed.2d 98 (2003), and Alaska's system, *Smith v. Doe*, 123 S.Ct. 1140, 155 L.Ed.2d 164 (2003).

PROJECT OBJECTIVE(S):

Monitor developments in the *Espindola* case as well as any other case decision and litigation regarding Florida's sexual predator and sexual offender registration and notification system.

METHODOLOGY:

Review of relevant cases and legal documents filed in those cases and consultations with the Office of the Attorney General, the Florida Department of Law Enforcement, the Florida Department of Corrections, and the Florida Department of Highway Safety and Motor Vehicles.

INTERIM MONITOR PROJECT TITLE:

Implementation of the Career Offender Registration and Notification System

DATE DUE: N/A

PROJECT NUMBER: 2004-349

BACKGROUND and DESCRIPTION:

Chapter 2002-266, L.O.F., requires certain recidivist criminal offenders to register as "career offenders." Certain descriptive information regarding those offenders will be made available to the public through the Internet. The career offender registration and notification requirements and system are similar to the current requirements and system for sexual predators and sexual offenders. Since the law's enactment, the Florida Department of Law Enforcement (FDLE) has been working to implement the career offender registration and notification system.

PROJECT OBJECTIVE(S):

Monitor the implementation of the career offender registration and notification system.

METHODOLOGY:

Staff will interview FDLE personnel and other agency personnel responsible for the implementation of the career offender registration and notification system and conduct a site visit to FDLE.

INTERIM MONITOR PROJECT TITLE:

Implementation of Legislation relating to Rules/Policies Affecting Private Juvenile Justice Providers

DATE DUE: N/A

PROJECT NUMBER: 2004-350

BACKGROUND and DESCRIPTION:

Monitor the implementation of legislation (SB 312) which amends s. 985.407, F.S., to require the Department of Juvenile Justice to adopt a rule pursuant to ch. 120, F.S., establishing a procedure to provide notice of policy changes that affect contracted delinquency services and programs – in other words, policies affecting private juvenile justice providers. (A “policy” is defined as an operational requirement applying to only the specified contracted delinquency service or program.) The procedure to provide notice of policy changes will require the following components: public notice, opportunity for public comment, assessment of fiscal impact upon the department and the providers, and the department’s response to any comments received.

PROJECT OBJECTIVE(S):

Staff will monitor this issue so that committee members will be well informed as to the progress of the department in this area.

METHODOLOGY:

Staff will attend any relevant meetings as well as maintain communications with the Department of Juvenile Justice and private juvenile justice providers.

INTERIM MONITOR PROJECT TITLE:

Implementation of Legislation affecting Urine Testing Provisions in the DUI//BUI Laws

DATE DUE: N/A

PROJECT NUMBER: 2004-351

BACKGROUND and DESCRIPTION:

Monitor the implementation of legislation (HB 947) that separates the urine testing provisions in the implied consent law for driving under the influence of alcohol or drugs while impaired (DUI--s. 316.1932, F.S.) and boating under the influence of alcohol or drugs while impaired (BUI--s. 327.352, F.S.) from the provisions relating to breath and blood tests to detect the alcoholic content of the blood or breath. (The urine testing provisions are placed in a new subsection of each statute.) Moving the urine testing provisions from the breath and blood testing provisions that must be approved by the Florida

Department of Law Enforcement (FDLE) was an attempt to clarify the Legislature's intent that urine tests do not have to be "approved" by FDLE through administrative rule (contrary to a recent holding by the Second District Court of Appeal in which it construed the statute as requiring approval by FDLE for urine tests).

PROJECT OBJECTIVE(S):

Staff will monitor these and any other issues necessary to effectively implement this legislation so that committee members will be well informed on this subject.

METHODOLOGY:

Staff will attend any relevant meetings as well as maintain communications with the Department of Highway Safety and Motor Vehicles and other interested parties.

INTERIM MONITOR PROJECT TITLE:

Postsentencing DNA Testing under s. 925.11, F.S.

DATE DUE: N/A

PROJECT NUMBER: 2004-352

BACKGROUND and DESCRIPTION:

The postsentencing DNA testing statute enacted by the Legislature in 2001, provides that a person who has been tried, convicted and sentenced may petition the trial court for postsentencing DNA testing under certain circumstances, within the specified time frames. Generally, the petition seeking testing must be filed within 2 years of the final judgment in the case or by October 1, 2003, whichever is later. The Innocence Project, a non-profit legal clinic at the Benjamin N. Cardozo School of Law, handles cases where postconviction DNA testing can yield conclusive proof of innocence, according to its website. The Project has recently undertaken the task of reviewing and processing some 400 Florida cases in light of the October 2003, deadline.

PROJECT OBJECTIVE(S):

To monitor the progress made by the Innocence Project in its review of pending Florida cases that may be appropriate for postsentencing DNA testing.

METHODOLOGY:

Periodic contact and discussions with representatives of the Innocence Project and the Florida Department of Law Enforcement DNA Laboratory.

Education

INTERIM PROJECTS

INTERIM PROJECT TITLE:

FCAT Impact on Pupil Progression and High School Graduation

DATE DUE: February 1, 2004

PROJECT NUMBER: 2004-129

BACKGROUND and DESCRIPTION:

Changes to the A+ plan for education reform enacted in 1999 mandated that students enrolling in the 9th grade in 1999 and thereafter would be required to earn a passing score on the 10th grade FCAT in order to receive a regular high school diploma. Subsequent changes in the law emphasized the importance of reading proficiency in pupil progression and required students to earn a passing score on the reading portion of the 3rd grade FCAT in order to be promoted to the 4th grade.

PROJECT OBJECTIVE(S):

Project objectives will include:

- Determine if FCAT requirements have had a negative impact on high school graduation and 3rd grade promotion rates.
- Determine effectiveness of remedial activities with students with students not earning passing scores on 10th grade and 3rd grade FCAT assessments.
- Determine the availability and effectiveness of alternative means of meeting high school graduation and 3rd grade promotion requirements.
- Assess the comparability of FCAT with commercial standardized assessments such as the SAT and ACT.

METHODOLOGY:

Committee staff activities will include the following:

- Review 3rd grade and 10th grade FCAT assessment data produced by the Department of Education.
- Review the use of the assessment data by the department and the school districts to improve student achievement.
- Consult with the Department of Education in reviewing research related to the comparability of FCAT results with ACT and SAT scores.
- Review and analyze student assessment efforts in Maryland, New York, North Carolina, and Texas.
- Review and analyze the relationship between Florida's assessment system and the federal No Child Left Behind Act, as well as any newly enacted changes to federal law on assessment and accountability.

INTERIM PROJECT TITLE:

McKay Scholarship Program Accountability

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-130

BACKGROUND and DESCRIPTION:

A very few of the private schools accepting McKay Scholarship students have experienced significant financial problems that have caused the schools to engage in questionable business practices. Extensive public criticism of these situations has cast an unfavorable light on the entire scholarship program. In response to the criticism, Senate President Jim King appointed a task force to address the issue of McKay Scholarship Program Accountability. The task force identified and reviewed the problem elements of the current scholarship program operation and recommended that an Education Committee interim project be conducted to develop a program accountability system.

PROJECT OBJECTIVE(S):

The project objective is to develop a suggested accountability system for the McKay Scholarship Program that will:

- Provide assurance to the public that the program operation is fiscally responsible
- Keep the educational well-being of the students as the program focal point.
- Strengthen and enhance the scholarship program and not diminish its scope or growth.
- Not over regulate schools participating in the program.
- Not discourage reputable schools from participating in the program.

METHODOLOGY:

The Education Committee staff will:

- Review and analyze task force accountability recommendations.
- Review and analyze national accountability system information for applicability with the McKay Scholarship Program.
- Consult with the Department of Education and private school representatives on the regulatory role of the department.
- Survey schools participating in the scholarship program for their reaction to possible accountability measures.
- Examine the feasibility of an initial accrediting process as the basis of an accountability system.
- Submit accountability system proposals to the task force for reaction and comment.

INTERIM PROJECT TITLE:

Review the Impact and Implementation of the Access to Better Learning and Education (ABLE) Grant Program

DATE DUE: February 1, 2004

PROJECT NUMBER: 2004-131

BACKGROUND and DESCRIPTION:

Florida has had two need-based student financial assistance programs and one non-need-based access grant program which have targeted students attending private in-state postsecondary institutions. The two need-based programs are the Private Student Assistance Grant and the Postsecondary Student Assistance Grant Programs. The non-need-based program is the Florida Resident Assistance Grant. These programs are for students attending non-profit institutions.

Private Student Assistance Grants are provided to full-time students of a baccalaureate-degree-granting independent nonprofit Florida college or university, which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools and which is located in and chartered as a domestic corporation by the state.

The Postsecondary Student Assistance Grant Program provides need-based financial assistance to full-time students accepted at a postsecondary institution located in Florida, and is a private nursing diploma school approved by the Florida Board of Nursing, or an institution licensed by the Commission for Independent Education.

The Florida Resident Access Grant (FRAG) Program offers access grants to resident students who attend nonprofit colleges and universities. For 2002-2003, the total funding for the FRAG in the General Appropriations Act was \$79,841,350. This amount was to support 29,725 students at \$2,686 per student.

The Access to Better Learning and Education Grant Program is a new program that targets students attending for-profit institutions. The grant program would be limited to Florida resident students seeking a baccalaureate degree from a for-profit college or university that: is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; grants baccalaureate degrees; is located in and chartered by the state; and has a secular purpose, or: is a nonprofit college or university that is chartered out of the state; that has been located in the state for 10 or more years; is accredited by one of the Regional Accrediting Associations of Colleges and Schools; grants baccalaureate degrees; that is not a state university or state community college; and that has a secular purpose.

Florida has not previously offered students access grants to attend for-profit colleges and universities. As initially drafted, students attending two institutions would have qualified. Those institutions were South University in West Palm Beach and Keiser College with 8 sites around the state. One additional for-profit institution is in the process of becoming qualified to offer baccalaureate degrees. That institution is AI Miami International University of Art and Design.

The estimated number of Florida resident students at South University seeking a baccalaureate degree was estimated at 127 for the 2002-2003 academic year. For Keiser College, the estimate was 35 resident students. At the current level of support for the Florida Resident Access Grant of \$2,686 per student, the cost to the state to implement the program in the current year would have been \$435,132.

As passed, the bill was amended to include ten additional nonprofit institutions which are accredited by one of the regional accrediting associations and which currently offer baccalaureate degrees at 29 sites. No information on the number of students or degrees offered was available when the bill passed.

Although no funds to implement the ABLÉ Grant Program are included in the 2004-2005 General Appropriations Act, the bill provides that the total funding level and the grant amount per student are to be specified in each year's General Appropriations Act. The bill further states that in the first year in which funds are appropriated, only students at the initial three institutions would be eligible for funding. Students at other institutions would become eligible for funding in the second year in which funds are provided.

A floor amendment to further expand the number of eligible institutions was withdrawn.

PROJECT OBJECTIVE(S):

Committee staff's activities will include the following, based on guiding principles for the project:

- Review the number of eligible institutions and students to better identify the potential cost of the program.
- Identify the degree programs offered by each eligible institution at each site.
- Identify the differences in criteria used by the regional and non-regional accrediting associations.

METHODOLOGY:

Prior to the 2004 Legislative Session, the Education Committee staff will use the interim period to review the ABLÉ Grant Program and the implications of possible changes in eligible institutions. Committee staff will consult with staff of the Governor's Office, the House of Representatives, the Council for Educational Policy Research and Improvement, and education agencies while conducting the project. Committee staff will prepare a project report highlighting major project findings.

INTERIM PROJECT TITLE:

Corporate Income Tax Scholarship Program Accountability

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-132

BACKGROUND and DESCRIPTION:

Chapter 2001-225, L.O.F., created s. 220.187, F.S., to provide a 100 percent corporate income tax credit for contributions to eligible nonprofit scholarship funding organizations. Current law caps total credits available at \$50 million per state fiscal year, and 5 percent of the total amount authorized for contributions must be reserved for small businesses. The amount of the scholarship provided to any child for a single school year is limited to \$3,500 per scholarship awarded to a student enrolled in an eligible nonpublic school, and \$500 for a scholarship awarded to a student enrolled in a Florida public school that is located outside the district in which the student resides.

Under this program, nonprofit scholarship funding organizations provide scholarships to students who are eligible for free or reduced-price lunches under the National School Lunch Act and:

- were enrolled in public school in Florida during the previous state fiscal year;
 - received a scholarship from an eligible scholarship funding organization during the previous year;
- or
- are eligible to enter kindergarten or first grade.

Approximately 15,000 students are currently receiving scholarships through this program. Nearly all are for private school enrollment; less than 1 percent is for transportation outside a student's home district. There are eight eligible scholarship funding organizations listed on the Department of Education Choice Office's web page.

PROJECT OBJECTIVE(S):

The project objective is to develop a suggested accountability system for the Corporate Income Tax Scholarship Program that will:

- Demonstrate academic gains for scholarship recipients.
- Keep the educational well-being of the students as the program focal point.
- Strengthen and enhance the scholarship program and not diminish its scope or growth.
- Not over regulate schools participating in the program.
- Not discourage reputable schools from participating in the program.

METHODOLOGY:

During the interim period, the Education Committee staff will:

- Examine the feasibility of requiring or allowing scholarship recipients to participate in the statewide assessment system or alternative assessments.
- Consult with Senate Appropriations Subcommittee on Education staff on potential revenue sources for scholarship recipients to participate in assessments.
- Consult with the Department of Education and participating private schools on proposed accountability changes for the program;
- Prepare a report and recommend proposed legislation for an accountability system.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Implementation of the Universal Prekindergarten Education Program

DATE DUE: N/A

PROJECT NUMBER: 2004-353

BACKGROUND and DESCRIPTION:

During the 2003 Regular Session, the Legislature began preparations for implementation of Amendment No. 8 (Voluntary Universal Pre-Kindergarten Education), s. 1(b) and (c), Art. IX of the State Constitution. The Legislature specified that the voluntary universal prekindergarten education program shall provide a high-quality prekindergarten learning opportunity in the form of early childhood development and education which is voluntary and free for every 4-year-old child in the state (ch. 2003-93, L.O.F.).

The Legislature required the State Board of Education to conduct a study and submit a report by October 1, 2003, to the Governor and Legislature on the curriculum, design, and standards for the new prekindergarten program. The report must include the state board's recommendations or options for implementing certain program elements (i.e., curriculum and standards, high-quality learning opportunity, quantity of instruction, delivery system, assessment and evaluation, and funding).

The Legislature further required the Office of Program Policy Analysis and Government Accountability (OPPAGA) and the Auditor General to conduct audits and report findings and recommendations to the Governor and Legislature by January 15, 2004, on the existing school readiness programs administered by the Florida Partnership for School Readiness and the local school readiness coalitions.

OPPAGA is directed to conduct a performance audit, which must follow up on its 2002 program review of the school readiness system. The audit must also:

- Monitor the State Board of Education's study on the voluntary universal prekindergarten education program;
- Evaluate the existing school readiness system's ability to implement the prekindergarten program based on the state board's recommendations or options for the curriculum, design, and standards for the program; and
- Identify modifications to the existing school readiness system needed to effectively implement the prekindergarten program.

The Auditor General is directed to conduct a financial and operational audit of the school readiness system for the same audit period as OPPAGA's audit (FY 2000-2001, FY 2001-2002, and FY 2002-2003).

PROJECT OBJECTIVE(S):

Monitor the State Board of Education's study on the curriculum, design, and standards for the voluntary universal prekindergarten education program and concurrently monitor the audits of the existing school readiness programs to be conducted by the Office of Program Policy Analysis and Government Accountability and by the Auditor General.

METHODOLOGY:

Attend meetings of the State Board of Education which relate to the study on the curriculum, design, and standards for the voluntary universal prekindergarten education program; maintain contact with staff of the Commissioner of Education and the State Board of Education while the state board conducts its study; review the state board's report of recommendations or options for the prekindergarten program; maintain contact with staff of the Office of Program Policy Analysis and Government Accountability and of the Auditor General while they conduct audits of the existing school readiness programs and review their audit reports; maintain contact with staff from the Florida Partnership for School Readiness and the Agency for Workforce Innovation throughout the duration of the study and audits; and review implementation plans, status reports, performance data, or other similar documentation to the extent those materials are available. This monitor project will be conducted jointly with the Committee on Commerce, Economic Opportunities, and Consumer Services. (See interim monitor project number 2004-338.)

INTERIM MONITOR PROJECT TITLE:***Implementation of the Reduction in Public School Class Size*****DATE DUE:** N/A**PROJECT NUMBER:** 2004-354**BACKGROUND and DESCRIPTION:**

In November, 2002 Florida voters approved Amendment #8 to Section 1, Article IX of the State Constitution. The amendment establishes the maximum number of students in certain grade groups assigned to a teacher teaching in a public school classroom beginning with the 2010-2011 school year. Senate Bill 30A has been passed by the Legislature. The measure provides for the phased in implementation of the class size reduction as well as a number of new provisions to assist school districts in meeting the class size limits.

PROJECT OBJECTIVE(S):

The monitoring activities will enable Education Committee staff to identify areas of the class size implementation process that may need modification.

METHODOLOGY:

The committee staff will:

- Review data collected by the Department of Education that describes class size reduction efforts initiated by the school districts and the effectiveness of these activities
- Monitor school district use of class size reduction strategies contained in SB 30A
- Pay particular attention to the districts use of new preparation and certification strategies including the DROP extension and Better Educated Students and Teachers (BEST) provisions, in attracting instructional personnel
- Monitor district availability and student use of high school acceleration options.

INTERIM MONITOR PROJECT TITLE:***Certification of American Sign Language (ASL) Instructors*****DATE DUE:** N/A**PROJECT NUMBER:** 2004-355**BACKGROUND and DESCRIPTION:**

The 2003 Legislature adopted legislation requiring teachers of American Sign Language (ASL) in Florida to be certified by both the state and the Florida American Sign Language Teachers' Association (FASLTA). Although FASLTA is required to begin certifying ASL teachers in 2006, it currently does not offer certification and, as a result, has no administrative structure to facilitate such certifications. Additionally, it has not yet developed or adopted any standards for ASL teachers to meet in order to be certified. The relative roles, as described in the legislation, of the Department of Education and FASLTA with regard to ASL teacher certification also require further examination.

PROJECT OBJECTIVE(S):

Monitor FASLTA's progress in developing certification standards and structures.

Examine any potential ambiguities in the roles of the Department of Education and FASLTA with respect to ASL teacher certification, and recommend proposed remedial legislation if necessary.

METHODOLOGY:

Consult with Department of Education staff to discern appropriate sources of information for this monitor project. Review the legislation as adopted and meet with staff of FASLTA and the Department of Education.

INTERIM MONITOR PROJECT TITLE:

Board of Governors – Duties and Transition Issues

DATE DUE: N/A

PROJECT NUMBER: 2004-356

BACKGROUND and DESCRIPTION:

Article IX, Section 7 of the Florida Constitution requires that the state university system be operated and managed by a statewide Board of Governors. Certain responsibilities of the Board of Governors are described in the Constitution and include, without limitation, defining the mission of each constituent university, establishing each university's articulation with free public schools and community colleges, coordinating the state university system, and avoiding wasteful duplication of facilities or programs within the state university system.

PROJECT OBJECTIVE(S):

Monitor the actions of the Board of Governors relative to its constitutional mandate. Review the possibility of litigation that could result from any failure of the Board of Governors to carry out its constitutional mission.

Examine, for clarification purposes, the respective roles of the State Board of Education and the Board of Governors. Recommend proposed remedial legislation to clarify the authority of the Board of Governors if necessary.

METHODOLOGY:

Consult with Board of Governors and State Board of Education staff, and seek the input of state university representatives regarding the authority of the Board of Governors and the implementation of its constitutional mandate. Monitor the meetings of the Board of Governors. Consult with staff of the Board of Governors and the State Board of Education regarding possible legislative changes to clarify the authority of the Board of Governors.

INTERIM MONITOR PROJECT TITLE:

Implementation of Community College Baccalaureate Programs with Funds Contained in Specific Appropriations 6 and 101a

DATE DUE: N/A

PROJECT NUMBER: 2004-357

BACKGROUND and DESCRIPTION:

The Legislature approved St. Petersburg Community College's request to begin offering baccalaureate degrees in the 2001 Session and provided funding to implement the degree programs. The Legislature also provided \$3,000,000 for other community colleges to initiate planning to offer such degrees. Distribution of the funds was to be made upon approval by the State Board of Education of institution's plans.

In May 2002, the State Board of Education took action on the requests from Chipola Junior College, Edison Community College and Miami-Dade Community College to initiate baccalaureate degree programs. The Board directed Commission Horne to work with the colleges to determine the specific approach to be taken at each institution and also to decide how much funding each college should receive. The Commissioner did those things and reported his actions back to the State Board.

Okaloosa-Walton Community College has since applied to initiate a baccalaureate degree program and has also been given some of the \$3,000,000.

In the 2003-2004 General Appropriations Bill, funding for St. Petersburg's programs has been continued and was increased to provide funding for the rising senior class students. An additional total of \$1,000,000 of non-recurring Lottery funding was provided to Chipola, Edison and Miami-Dade for those institutions to continue the implementation of their degree programs.

PROJECT OBJECTIVE(S):

Identify the progress made by each of the five community colleges in establishing baccalaureate degree programs including the institutions ability to meet accreditation standards.

Identify the enrollment trends, and examine procedures used to compare enrollments with local employment demands and community demand for access to baccalaureate degree programs.

Determine if comparable procedures are in place to measure baccalaureate program success.

Determine feasibility of program expansion to other community colleges and other baccalaureate program areas.

METHODOLOGY:

Collect data on the implementation plans, budgets versus actual costs, and success each institution has had in starting up their degree programs.

Visit St. Petersburg College to review baccalaureate program in operation.

Consult with public and private university and community college leaders regarding viability of limited baccalaureate degree program offerings by community colleges.

INTERIM MONITOR PROJECT TITLE:

Implementation of Changes for Postsecondary Access to Education made by Chapter 2003-8, Laws of Florida.

DATE DUE: N/A

PROJECT NUMBER: 2004-358

BACKGROUND and DESCRIPTION:

Chapter 2003-8, L.O.F., provides for waiving the requirement to earn a passing score on the Florida Comprehensive Assessment Test (FCAT) in order to receive a standard high school diploma. This waiver applies to a student with a disability, as defined in s. 1007.02(2), F.S., for whom the individual educational plan (IEP) committee determines that the FCAT cannot accurately measure the student's abilities, taking into consideration all allowable accommodations. The law provides the criteria for the waiver to be granted.

Students who have been awarded a special diploma or a certificate of completion are eligible to enroll in certificate career education programs. Students with disabilities may be eligible for reasonable substitution for admission, graduation, and upper-level division requirements of public postsecondary educational institutions, in accordance with the newly created provisions of law.

Under the law, the State Board of Education must:

- adopt rules, including those for test accommodations and modifications of procedures, as needed for students with disabilities;
- develop substitute admission requirements where appropriate;
- conduct a review of the extent to which authorized acceleration mechanisms are currently used by school districts and public postsecondary educational institutions; and
- submit a report to the Governor and the Legislature by December 31, 2003.

The U.S. House of Representatives has passed legislation (H.R. 1350) relating to the reauthorization of the federal Individuals with Disabilities Education Act (IDEA) that includes additional assessment provisions for students with disabilities. Similar legislation may be enacted by the U.S. Senate and ultimately become law.

PROJECT OBJECTIVE(S):

The purpose of monitoring this legislation is to identify any particular areas of concern that emerge, including areas that could be addressed in subsequent state legislation.

METHODOLOGY:

The methodology involves the review of relevant documents and discussions with personnel from the Florida and U.S. Departments of Education, as well as others, including staff from the House of Representatives and the Senate Committee on Appropriations. Committee staff will also monitor the State Board of Education's activities and changes to the IDEA.

Ethics and Elections

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Review of Florida's "New Millennium" Executive Election Administration Rules

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-133

BACKGROUND and DESCRIPTION:

The Florida Election Reform Act of 2001 (Ch.2001-40, Laws of Fla.) granted the Division of Elections broad rulemaking authority in many areas of election administration. Some of the subjects on which the Division has adopted rules include:

- Voter intent (What markings constitute a valid vote) (1S-2.027, F.A.C.)
- Recount procedures (1S-2.031, F.A.C.)
- Polling place procedures manual (1S-2.034, F.A.C.)
- Uniform primary and general election ballots (1S-2.032, F.A.C.)
- Statewide voter education standards (1S2.033, F.A.C.)
- State write-in ballot (1S-2.2028, F.A.C.)
- Late registration for overseas and military voters (1S-2.029, F.A.C.)
- Electronic transmission of overseas ballots (1S-2.030, F.A.C.)

In addition, the pending bill implementing the federal Help America Vote Act of 2002, if it passes the Florida Legislature in its current form, will require the division to develop a new statewide voter registration database and to adopt additional rules relating to automatic machine recounts and provisional ballots.

PROJECT OBJECTIVE(S):

This project will consist of a report on the division's post-2000 election administration rules, both current and proposed. The interim project report will identify the areas of rulemaking authority granted to the division in the election Reform Act, detail the new rules, discuss the practical impacts of each rule, and identify any potential problems, shortcomings, or areas where additional rulemaking authority may be warranted or necessary (i.e., poll worker training).

In addition, the report will discuss any Division rules relating to implementation of the Help America Vote Act, as applicable.

METHODOLOGY:

Committee staff will meet with division staff, the supervisors of elections, and other interested parties to identify areas that require further statutory and/or rules changes prior to the 2004 elections.

INTERIM PROJECT TITLE:

Constitutional Amendment Reform

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-134

BACKGROUND and DESCRIPTION:

Since 1990, Florida citizens have placed 14 initiatives to amend Florida's Constitution on the ballot. Florida voters have passed 12 of those initiatives. The Florida Legislature has continually examined proposed modifications to the citizen initiative process. Is Florida's mechanism for changing or amending Florida's organic document of government too lenient? Do other models for constitutional change or amendment exist which are consistent with maintaining the stability of Florida's basic document of governance?

PROJECT OBJECTIVE(S):

To identify the panoply of alternatives available to amend Florida's Constitution by initiative and determine which options present viable options for Florida in dealing with the continuing debate over constitutional revision.

METHODOLOGY:

Survey the available options for citizens to propose initiatives to amend state constitutions. Discuss the advantages and disadvantages of the various models after systematic review and discussion with legislative staff from other jurisdictions and review of current academic journals, publications, and studies.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

The San Francisco Election — Instant Runoff Method

DATE DUE: N/A

PROJECT NUMBER: 2004-359

BACKGROUND and DESCRIPTION:

On March 5, 2002, San Francisco voters adopted Instant Runoff Voting ("IRV"), also called ranked-choice balloting, by amending their city charter. The change is scheduled to take effect in the November 2003 election for mayor, district attorney and sheriff and for all subsequent races for supervisor of elections, treasurer, city attorney, public defender and assessor.

The ranked choice balloting method used in IRV is a relatively new concept in the United States, although it has been used in a limited way internationally for some time. The State of Louisiana has statutorily authorized ranked-choice balloting for some military and overseas ballots since the early 1990's, to get around the administrative problem of having to conduct two elections in a month. San Francisco will be the first major city in the United States to use IRV, although the city of Cambridge, Massachusetts uses ranked choice balloting to choose its city council and school board members. Cambridge, however, is less than 1/13th the size of San Francisco.

PROJECT OBJECTIVE(S):

To identify the successes and the difficulties associated with San Francisco's IRV experiment, and to determine whether IRV represents a viable option for Florida in dealing with the continuing debate over the second primary election.

METHODOLOGY:

Monitor news reports and elections trade publications reporting on the San Francisco experience. Discuss any issues that may arise with the supervisor of elections and/or other government officials in San Francisco. Discuss the viability of an IRV system in Florida in light of the San Francisco experience with staff of the Florida Department of State, Division of Elections and the Florida Association of Supervisors of Elections.

Finance and Taxation

INTERIM PROJECTS

INTERIM PROJECT TITLE:

2004 Florida Tax Handbook Including Fiscal Impact of Potential Changes

DATE DUE: March 2, 2004

PROJECT NUMBER: 2004-135

BACKGROUND and DESCRIPTION:

The Florida Tax Handbook Including Fiscal Impact of Potential Changes is published annually by the Senate Finance and Taxation Committee, with assistance from the House Committee on Finance and Tax, the Office of Economic and Demographic Research, and the Office of Research and Analysis of the Department of Revenue. The Handbook reviews Florida state finances, providing statutory and administering authority for all specific revenue sources, and provides a review of tax collections and dispositions. Base and rate information and a brief history are also provided. The Handbook presents current revenue estimates and provides a comprehensive and systematic look at the revenue potential of selected alternative tax sources. In addition, for each major tax, estimates are provided for the value of all major exemptions, refunds, or credits. This information is frequently used by policy makers to analyze the revenue effects of proposals for tax relief, tax increases, changes in exemptions, or alterations to the mix of the existing tax structure.

Florida relies heavily on its 6 percent sales and use tax. In fiscal year 2002-2003, sales and use tax collections accounted for 77.6 percent of General Revenue. The statutes currently provide more than 200 non-service exemptions. Exemptions generally take the form of identifying specifically exempt items, exempting items when used for particular purposes, and exempting purchases or sales by certain types of organizations, such as the government, churches, and charitable organizations. In addition, services are not directly subject to Florida's sales and use tax. The Handbook identifies all such sales and use tax exemptions and estimates the fiscal impact to be \$24.8 billion.

PROJECT OBJECTIVE(S):

The main objective of this project is to publish, prior to the 2004 Legislative Session, the 2004 Florida Tax Handbook Including Fiscal Impact of Potential Changes. In addition, this project will restructure the sales and use tax exemption tables to facilitate tax policy discussions by policy makers.

METHODOLOGY:

Coordinate the publication of the 2004 Florida Tax Handbook Including Fiscal Impact of Potential Changes by assigning tax sources to the staff of the Senate Finance and Taxation Committee, House Committee on Finance and Tax, the Office of Economic and Demographic Research, and the Office of Research and Analysis of the Department of Revenue. With input from such staff, redesign the sales and use tax exemption charts in the Handbook. Oversee changes, review document for accuracy, and prepare for printing. Data for the Handbook is derived from Fall Revenue Estimating Conferences. Specifically, general revenue data comes from the December General Revenue Estimating Conference and as a result, the Handbook cannot be published until just prior to the Regular Legislative Session.

INTERIM PROJECT TITLE:

Administration of Art. VII, Sec. 4 (e), Florida Constitution: Reduced Assessment of Living Quarters Constructed or Reconstructed for Parents or Grandparents

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-136

BACKGROUND and DESCRIPTION:

In 2002, Florida voters approved a constitutional amendment that allows, by local option, a reduction in the assessed value of homestead property equal to any increase in assessed value resulting from the construction or reconstruction of the property for the purpose of providing living quarters for one or more natural or adoptive grandparents or parents of the owner or owner's spouse. An implementing bill was also enacted by the 2002 Legislature (s. 193.703, F.S.) and the amendment and implementing bill became effective on January 7, 2003. Several questions have arisen concerning the administration of the assessment reduction provided in the constitutional amendment and statutory implementing language, and in January 2003 the Department of Revenue invited the property appraisers and other local government representatives to provide suggestions on how these questions should be answered. Based on these suggestions, department staff prepared draft legislation to address these issues, but it was not taken up during the 2003 session.

PROJECT OBJECTIVE(S):

To develop proposed legislation to clarify administration of the constitutional amendment so that it will be applied uniformly across the state wherever it is adopted.

METHODOLOGY:

This project will review the work done by the Department of Revenue, and solicit additional input from the property appraisers and other local government representatives on statutory changes that will improve administration of this constitutional amendment.

INTERIM PROJECT TITLE:

Why Did Florida's Corporate Income Tax Revenue Fall While Corporate Profits Rose?

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-137

BACKGROUND and DESCRIPTION:

Florida's corporate income tax has fallen as a percentage of total state personal income since it was enacted in 1972, and in recent years this trend has accelerated. Corporate income tax's share of General Revenue has also been declining, and at an accelerating rate since 1999-2000. Other states have also seen their corporate income tax revenues decreasing.

PROJECT OBJECTIVE(S):

This interim project will look at Florida's corporate income tax revenue and identify possible reasons for its decrease with respect to personal income and General Revenue.

METHODOLOGY:

This project will begin with a presentation of relevant measures of corporate income tax with respect to other economic indicators, and it will review the appropriate literature to examine the impact of changes in federal tax law and Florida tax law, as well as the effect of institutional and business practice changes.

INTERIM PROJECT TITLE:

Cruises to Nowhere

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-138

BACKGROUND and DESCRIPTION:

Section 212.04, F.S., levies a 6 percent tax on admissions. Under s. 212.02(1), the term “admissions” includes any place where a charge is made by the sale of tickets for boating or yachting. Pursuant to rule 12A-1.005, Florida Administrative Code, charges for admission or entrance to “head boats” or “party boats” for the privilege of participating in sightseeing, dinner cruises, sport, recreation, or similar activities, including fishing, and where the crew remains under the direction of the owner, are taxable as admission. Charges made by foreign registered vessels carrying passengers to international waters where passengers cannot disembark from the vessel at points other than the origination point are taxable. These types of vessels are known as cruises to nowhere. If such a vessel docks, and the passengers can disembark, the charge is considered to be for transportation and is not subject to tax. Section 212.08(7)(y), F.S., provides an exemption from sales and use tax on charges for chartering any boat or vessel, with the crew furnished, solely for the purpose of fishing.

One of the main activities offered on cruises to nowhere is casino gambling. Such vessels pay taxes to the State of Florida on the following transactions: admissions; sales of tangible personal property; and fuel. Gambling revenues are not subject to tax. In 1997, legislation was introduced to impose a surcharge upon the sale of every charge for cruise ship tickets or admissions for each embarkation and debarkation originating at Florida deep water ports, regardless of whether the cruise vessel is licensed in Florida.

PROJECT OBJECTIVE(S):

This project will look at the cruises to nowhere industry, both one-day cruise ships with amenities similar to multi-day cruise ships and gambling ships used principally for gambling. The economic impact of the industry will be evaluated and total state and local taxes will be estimated. Additional taxes will be evaluated to determine feasibility.

METHODOLOGY:

Obtain relevant data from the Florida Ports Council and the cruises to nowhere industry on: number of cruises of less than 24 hours, number of passengers, and average cruise ship ticket prices; and number of gambling ships, number of passengers, and average gambling ship ticket prices. The Regulated Industries Committee will be assisting with this project.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

<i>Streamlined Sales and Use Tax Project</i>
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DATE DUE: N/A

PROJECT NUMBER: 2004-360

BACKGROUND and DESCRIPTION:

The Streamlined Sales Tax Project is an effort by state governments, with input from local governments and the private sector, to simplify and modernize sales and use tax collections and administration. The Project's proposals will incorporate uniform definitions within tax bases, simplified audit and administrative procedures, and emerging technologies to substantially reduce the burdens of tax collection. The goal of the Streamlined Sales Tax Project is to design and implement a simplified sales tax collection system that can be used by traditional brick-and-mortar vendors and vendors involved in e-commerce.

In 2001, the Florida Legislature passed HB 21, which among other things, created the Simplified Sales and Use Tax Administration Act ("Act"), authorizing Florida to participate in the next phase of discussions with other states for the purposes of developing the Project. There are 39 states involved in the project. The adoption of the "Act" is the first step towards adoption of the "Streamlined Sales and Use Tax Agreement" in Florida, which will provide retailers with a greatly simplified system of sales tax collection. On November 12, 2002, representatives from 33 states and the District of Columbia voted to approve the multi-state Agreement to simplify the nation's sales tax laws by establishing one uniform system to administer and collect sales taxes. These states make up the Streamlined Sales Tax Implementing States.

Interim Project Report 2003-126 recommended that Florida make the changes necessary to comply with the Agreement during the 2003 Legislative Session in order to be included in the governing states that will administer the Agreement. CS/CS/SB 1776 adopted changes to chapter 212, F.S., to comply with the Agreement. The Senate passed CS/CS/SB 1776 but the bill died in House Messages. As of May 13, 2003, twenty-eight states have taken action to comply with the Streamlined Project. Twelve states have enacted the changes necessary to be in compliance with the Agreement and compliance legislation has passed both Houses in another two states. In order for Florida to continue to be a player in the Streamlined Project, compliance legislation must be passed.

PROJECT OBJECTIVE(S):

Continue to work with the Department of Revenue on legislation to implement the provisions of the Streamlined Sales and Use Tax Agreement.

METHODOLOGY:

1) Continue to participate as an implementing state in national Streamlined Sales Tax Project meetings; and 2) Prepare compliance legislation for the 2004 Legislative Session.

Governmental Oversight and Productivity

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Rewrite of Public Records Law, Ch. 119, F.S.

DATE DUE: January 1, 2004

PROJECT NUMBER: 2004-139

BACKGROUND and DESCRIPTION:

For the past two years the Senate and House have alternately passed a major revision of the public records provisions contained in ch. 119, F.S., in an attempt to update language and improve the clarity of the grammar. This chapter has become cumbersome to use as successive changes to public records provisions over the years have made it awkward to use and difficult to understand.

PROJECT OBJECTIVE(S):

The project contemplates making the current law easier to read and understand without adding or deleting from any of the exemptions provided.

METHODOLOGY:

A section-by-section revision of ch. 119, F.S., by committee staff will improve the readability of the chapter and its provisions for affected parties and the general public.

INTERIM PROJECT TITLE:

State Employees' Health Insurance

DATE DUE: January 1, 2004

PROJECT NUMBER: 2004-140

BACKGROUND and DESCRIPTION:

For the past several years health and prescription drug benefit coverage provided to state employees has suffered from increasing costs and funding shortfalls. The 2003 Legislature provided some financial relief and implemented some structural changes as a bridge to more permanent changes. Like employers in public and private settings, the State of Florida is coping with the cumulative effects of rising costs, increased utilization, and a pricing system which charges premiums which are below documented costs.

Florida law has permitted selected non-state agencies to apply for membership in the plan although none has done so at present. While this could provide additional coverage choices to these participants, it might place the state plan at odds with the tax-exempt status afforded it by federal law.

PROJECT OBJECTIVE(S):

The project contemplates continuing the review of this program and the search for more durable solutions that are fair both to the employer and employee. The project also seeks to find what receptiveness there may be in expanding the plan to a multi-employer arrangement, much the same as is

the case for the Florida Retirement System, where the sheer size of the plan can command significant discounts in service through improved purchasing power.

METHODOLOGY:

The project will work with the Department of Management Services and other legislative offices to determine the types of changes required in law, the receptiveness of eligible local governments, and approvals required from the Internal Revenue Service.

INTERIM PROJECT TITLE:

Setting the FRS FY 2005 Rates and Providing Incentives for Critical Staffing

DATE DUE: January 1, 2004

PROJECT NUMBER: 2004-141

BACKGROUND and DESCRIPTION:

It is now the customary practice for the Legislature to enact annual legislation to set the required employer payroll contribution rates for the multi-employer Florida Retirement System. It has also been customary for such a bill to contain retirement-based enhancements to the benefits provided the plan's participants. The 2003 Legislature examined the use of this large pension plan as a policy lever for the attainment of recruitment and retention of critical occupations, especially in education, where significant workforce changes would produce large instructional demands at the classroom level. Many states use their retirement plans for such inducements to achieve other public policy objectives.

PROJECT OBJECTIVE(S):

The project will provide the means for setting the actuarially determined retirement contribution rates for FY 2005 and examine several recruitment and retention initiatives that could assist member public employers in the realization of workplace objectives.

METHODOLOGY:

The project will work with public employers and the Department of Management Services in the costing of the proposed changes.

INTERIM PROJECT TITLE:

Review of Task Forces, Boards and Commissions

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-142

BACKGROUND and DESCRIPTION:

Florida's statutes are replete with sections creating boards, councils, commissions, and similar entities. In 1999, the gubernatorial transition team found that the Governor is required to appoint members to over 850 entities throughout the state. More than 500 of these entities, created by statute, executive order, or administrative directive, were in the executive branch under the jurisdiction of a department.

In an effort to streamline this number of executive branch entities by insuring that only those providing value to the state remained in effect, the 1999 Legislature enacted SB 2280, codified in ch. 99-255, L.O.F., which required each executive branch department to survey the boards, councils, and commissions under its jurisdiction and to recommend whether the entity should be abolished, continued, or revised. This information was provided to the Department of Management Services and was compiled in a report entitled, "Boards and Commissions Review," which was released in January 2000. Since the report's release, some of its recommendations have been acted upon by the Legislature.

PROJECT OBJECTIVE(S):

The project will provide an overview of executive branch boards, councils, commissions, and similar entities that currently exist in Florida. Further, the project will determine which of the recommendations contained in the, "Boards and Commissions Review" report have or have not been acted upon by the Legislature since the report's release in 2000, and will review the continuing validity of any report recommendations not yet implemented. The project will also propose changes to the law if warranted.

METHODOLOGY:

Committee staff will review legislative history and statute and will work with staff and members of affected agencies, boards, councils, commissions, and similar entities in completing this project.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

<i>Coordination of Open Government Sunset Reviews</i>

DATE DUE: N/A

PROJECT NUMBER: 2004-361

BACKGROUND and DESCRIPTION:

The committee staff will continue its informal role of reviewing all of the Open Government Sunset review activities to assure their formal compliance with existing constitutional and statutory provisions on public records requirements.

PROJECT OBJECTIVE(S):

Same as above.

METHODOLOGY:

The review will occur on a bill-by-bill basis.

INTERIM MONITOR PROJECT TITLE:

Implementation of Career Service/Service Outsourcing Changes

DATE DUE: N/A

PROJECT NUMBER: 2004-362

BACKGROUND and DESCRIPTION:

The 2001 and 2002 Legislatures made substantial changes to the civil service system in which most state employees work and redeployed the administrative apparatus of most state agencies. Litigation surrounding the former and a delayed implementation affecting the latter provide the backdrop for the convening of the 2004 Legislature.

PROJECT OBJECTIVE(S):

The project will examine the scope of the changes made to date and the progress achieved by the contract manager for the administrative service changes and the chosen contract vendor.

METHODOLOGY:

The project will review implementation by the Department of Management Services and the vendor, Convergys.

INTERIM MONITOR PROJECT TITLE:

Pre-Tax Benefits Programs

DATE DUE: N/A

PROJECT NUMBER: 2004-363

BACKGROUND and DESCRIPTION:

The State of Florida administers several pre-tax benefits program for its employees which shelter their incomes from federal taxation. At least two of these were enacted in 2001 to provide tax-sheltering of terminal leave payments but implementation actions of the affected state agency were not immediately forthcoming. Additionally, many employees do not participate in such programs despite the real benefit they can play in minimizing out-of-pocket personal expense for employee-borne medical and child-care expenses.

PROJECT OBJECTIVE(S):

The project will examine actions of the Department of Management Services in implementation of these programs and discuss actions which could improve the marketing and utilization of these programs by state employees.

METHODOLOGY:

The project will meet with state agencies that provide employee benefit programs and solicit their input on changes that could improve the marketing, delivery, and utilization of such programs for the employee.

INTERIM MONITOR PROJECT TITLE:

Shared Savings Contracts

DATE DUE: N/A

PROJECT NUMBER: 2004-364

BACKGROUND and DESCRIPTION:

The 2003 Legislature passed a provision calling for a review of state agency central services contracts in which vendors provide for repair or maintenance of end-use equipment. The rationale behind this provision was that the more efficient the deployment of such contracts the greater the utilization of the dollars spent on them.

PROJECT OBJECTIVE(S):

The project will examine progress attained by the Department of Management Services in examining the scope and use of maintenance and repair contracts and what savings can be realized by their more efficient and effective use.

METHODOLOGY:

The project will work with the Department of Management Services as the state's principal central services agency and other legislative offices that have a role in the development of best management practices. The Appropriations Subcommittee on General Government will be assisting with this project.

Health, Aging and Long-Term Care

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Analyze the Use of Computerized Physician Order Entry (CPOE) Systems in Hospitals as a Tool for Reducing Medical Errors

DATE DUE: December 1, 2003

PROJECT NUMBER: 2004-143

BACKGROUND and DESCRIPTION:

Computerized Physician Order Entry (CPOE) systems are a tool that can be used to reduce medical errors by permitting the direct entry into a computer of orders for diagnostic tests, medications, patient care and referrals by physicians. A significant portion of medical errors that occur in hospitals are medication errors. The computerization of orders for medications could prevent such errors and could enable physicians to detect and respond to medication errors that occurred.

It is estimated that five percent of hospitals now have CPOE, but many more are considering investing in CPOE. The costs of implementation and ongoing maintenance of CPOE are a deterrent to implementation of CPOE systems. However, the benefits of CPOE include reduced adverse drug events, standardization of care, and improved efficiency of care delivery. Reductions in adverse drug events could lower the number of medical malpractice lawsuits against hospitals that have CPOE systems.

PROJECT OBJECTIVE(S):

This interim project will review survey data from Florida hospitals to determine the extent to which CPOE systems have been implemented, or are being planned, and will explore the feasibility of all hospitals in Florida using CPOE for prescription orders.

METHODOLOGY:

Staff will review research on the use of CPOE to reduce medication errors and interview personnel in selected hospitals concerning use of CPOE for prescription orders

INTERIM PROJECT TITLE:

Model Florida Integrated Long-Term Care System

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-144

BACKGROUND and DESCRIPTION:

The State of Florida has undertaken multiple initiatives to reorganize delivery systems serving older people with functional limitations and chronic conditions. Although many of these programs have met with varying degrees of success, most have not evolved into successful, broadly implemented strategies for providing home or community-based long-term care services across the state. Florida policy makers have many goals for changing long-term care policy, including offering consumers more service

options, reducing the reliance on institutional care, improving care coordination between health and supportive services, improving access to services, controlling expenditure growth, and assuring quality of care.

States have sought to find innovative techniques to reduce their long-term care costs without sacrificing high-quality care to their most vulnerable populations, especially the poor elderly or disabled who are enrolled in Medicaid. Florida is following other states that have developed managed long-term care programs for their elderly and disabled. State efforts to steer Medicaid beneficiaries who need long-term care into managed care have proceeded slowly.

In response to what was seen as fragmentation and disorganization across long-term care programs, the Legislature passed SB 1276, (s. 430.205(6), F.S.) in 2002, which required the Department of Elder Affairs, in consultation with the Agency for Health Care Administration, to develop a model system in which an administering entity would administer a mandatory comprehensive health and long-term care service delivery system that would serve all persons aged 65 and older who were in need of federal and state-funded services and met eligibility requirements. During the last year, the Department of Elder Affairs has worked with the Agency for Health Care Administration to develop the managed integrated long-term care pilot project as required under 430.205(6), F.S., however, progress has been slow.

Various stakeholders across the state have raised doubt about the feasibility of the project and national experts have provided feedback on more appropriate design and implementation strategies. Concerns were raised as to who should be included in the integrated model, whether the model should include both Medicare and Medicaid funding in its early phases, and how state General Revenue funded programs would figure into the model. At the same time, the Office of Long-Term Care policy is moving towards the implementation of a fee-for-service (FFS) option for individuals enrolled in the nursing home diversion program due to pressure from the Centers for Medicare and Medicaid Services to change the waiver status of the program or implement the FFS option. There have been discussions between the Agency and the Department about collapsing the Frail Elder, Nursing Home Diversion, and Channeling programs into the nursing home diversion line item.

PROJECT OBJECTIVE(S):

The interim project will review these different efforts at making changes to Florida's long-term care system and make recommendations, if appropriate, for changes to s. 430.205(6), F.S., and other related statutory provisions.

METHODOLOGY:

Committee staff will meet and work with staff of the state agencies responsible for the planning and administration of long-term care programs, and review the operation of current capitated and fee-for-service long-term care waiver and diversion programs as well as evaluations and recommendations for the programs. Staff will also draw on discussions that have taken place with individuals from other states that have implemented integrated long-term care programs and will continue to work with these individuals in designing a Florida model.

MANDATORY REVIEWS

INTERIM MANDATORY REVIEW TITLE:

Review of Public Records Exemptions for the Statewide Public Guardianship Office (s. 744.7081, F.S.)

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-202

BACKGROUND and DESCRIPTION:

Part IX of ch. 744, Florida Statutes, created the Office of Statewide Public Guardianship and permits the establishment of local offices of public guardian for the purpose of providing guardianship services for incapacitated persons when no private guardian is available. The Legislature created the Office based on findings that private guardianship is inadequate when there is no willing and responsible family member or friend, other person, bank, or corporation available to serve as guardian for an incapacitated person, and when a person does not have adequate income or wealth for the compensation of a private guardian.

Section 744.7081, F.S., specifies that all records held by the Statewide Public Guardianship Office relating to the medical, financial, or mental health of vulnerable adults as defined in ch. 415, F.S., persons with a developmental disability as defined in ch. 393, F.S., or persons with a mental illness as defined in ch. 394, F.S., shall be confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, F.S., and shall stand repealed on October 2, 2004, unless reviewed and saved from repeal through reenactment by the Legislature.

PROJECT OBJECTIVE(S):

To determine if the provisions of s. 744.7081, F.S., making specified records held by the Statewide Guardianship Office exempt from the Public Records Law, should be continued or modified pursuant to the criteria specified in the Open Government Sunset Review Act of 1995.

METHODOLOGY:

Staff will review the provision and applicable law pursuant to the criteria specified in the Open Government Sunset Review Act of 1995. Staff will seek input from the Department of Elderly Affairs, the Statewide Guardianship Office, and other interested stakeholders to determine if any aspects of s. 744.7081, F.S., should be revised

INTERIM MANDATORY REVIEW:

Open Government Sunset Review of the Public Records and Meetings Exemptions for Child Abuse Death Review Committees (s. 383.410, F.S.)

DATE DUE: 10/01/03

PROJECT NUMBER: 2004-203

BACKGROUND and DESCRIPTION:

Section 383.410, F.S., makes information that would reveal the name, address, or telephone number of, or information that would identify any of the deceased child's surviving siblings, family members, or others living in the home which is contained in reports or records created by the State Child Abuse Death Review Committee, or a local committee, or a panel of a state committee or local committee which relates solely to child fatalities and in which specific persons or incidents are discussed confidential and exempt from the Public Records Law. All information that is confidential or exempt from public records requirements by operation of law and that is obtained by the child abuse death review committees or panels or that is obtained by a hospital or a health care practitioner from a child abuse death review committee or panel retains that status and is exempt from the Public Records Law. Section 383.410, F.S., also makes portions of meetings relating solely to child fatalities and in which specific persons or incidents are discussed confidential and exempt from the Public Meetings Law. All information and records acquired by the State Child Abuse Death Review Committee or a local committee are confidential and not subject to subpoena, discovery, or introduction into evidence in any civil or criminal proceedings, except that information, documents, and records otherwise available from other sources are not immune from subpoena, discovery or introduction into evidence from those sources solely because they were presented to or reviewed by a committee.

PROJECT OBJECTIVE(S):

To determine if the exemption from the Public Records and Meetings Laws contained in s. 383.410, F.S., should be continued or modified under the criteria specified in the Open Government Sunset Review Act of 1995.

METHODOLOGY:

Staff will review the provisions and applicable law according to the criteria specified in the Open Government Sunset Review Act of 1995. Staff will seek input from the Department of Health, the Department of Children and Family Services and other state and local agencies, and other interested stakeholders to determine if any aspects of s. 383.410, F.S., should be revised and saved from repeal through reenactment.

INTERIM MANDATORY REVIEW TITLE:

Open Government Sunset Review of the Public Records Exemption for Information about Certain Employees of Hospitals, Ambulatory Surgical Centers, and Mobile Surgical Facilities (s. 395.3025(10) & (11), F.S.)

DATE DUE: October 1, 2003

PROJECT NUMBER: 2004-204

BACKGROUND and DESCRIPTION:

Section 395.3025, F.S., requires a licensed hospital, ambulatory surgical center, or mobile surgical facility to provide a copy of a patient's record to the patient, or to the patient's guardian, curator, personal representative, or other specified individuals upon written request. Under s. 395.3025(10), F.S., the home addresses, telephone numbers, social security numbers, and photographs of employees who provide direct patient care in licensed facilities; the home address, telephone numbers, social security numbers, photographs, and places of employment of such an employee's spouse and children; and the names and locations of schools and day care facilities attended by such an employee's children are

confidential and exempt from the disclosure requirements of s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution.

Under s. 395.3025(11), F.S., the home addresses, telephone numbers, social security numbers, and photographs of employees of any licensed facility who have reason to believe that release of the information may be used to threaten, intimidate, harass, inflict violence upon, or defraud the employee or any member of an employee's family; the home address, telephone numbers, social security numbers, photographs, and places of employment of such an employee's spouse and children; and the names and locations of schools and day care facilities attended by such an employee's children are confidential and exempt from the disclosure requirements of s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution.

The exemptions in s. 395.3025(10) & (11), F.S., are scheduled for repeal on October 2, 2004, unless they are reviewed and saved from repeal by the Legislature. Section 119.15(2), F.S., provides that an exemption is to be maintained only if: the exempted record or meeting is of a sensitive, personal nature concerning individuals; the exemption is necessary for the effective and efficient administration of a governmental program; or the exemption affects confidential information concerning an entity.

PROJECT OBJECTIVE(S):

To determine if the exemptions from the Public Records Law contained in s. 395.3025(10) & (11), F.S., should be continued or modified under the criteria specified in the Open Government Sunset Review Act of 1995.

METHODOLOGY:

Staff will review the provisions and applicable law according to the criteria specified in the Open Government Sunset Review Act of 1995. Staff will seek input from hospitals, ambulatory surgical centers, mobile surgical facilities, professional associations, and other interested stakeholders to determine if any aspects of s. 395.3025(10) & (11), F.S., should be revised and saved from repeal through reenactment.

INTERIM MANDATORY REVIEW TITLE:

Open Government Sunset Review of the Public Meetings Exemption for Hospital Board Meetings Regarding Strategic Plans (s. 395.3035(4)(a), F.S.)

DATE DUE: October 1, 2003

PROJECT NUMBER: 2004-205

BACKGROUND and DESCRIPTION:

Under s. 395.3035, F.S., all meetings of a governing board of a public hospital and all public hospital records must be open and available to the public in accordance with s. 286.011, F.S., and s. 24(b), Art. I of the State Constitution and ch. 119, F.S., and s. 24(a), Art. I of the State Constitution, respectively, unless the meetings or records are made confidential or exempt by law. Subsection (2) of s. 395.3035, F.S., makes confidential and exempt from the provisions of s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution: contracts for managed care arrangements under which the public hospital provides health care; a strategic plan the disclosure of which would be likely to be used by a competitor to thwart the plan; trade secrets as defined in s. 688.002, F.S.; and documents, offers, and contracts,

other than contracts for managed care, that are the product of negotiations with nongovernmental entities for the payment for services that could reasonably be expected to be provided by competitors of the hospital. Under s. 395.3035(4)(a), F.S., those portions of a board meeting at which one or more written strategic plans that are confidential under s. 395.3035(2), F.S., are discussed, modified, or approved by the governing board are exempt from the provisions of s. 286.011, F.S., and s. 24(b), Art. I of the State Constitution.

The exemption in s. 395.3035(4)(a), F.S., is scheduled for repeal on October 2, 2004, unless it is reviewed and saved from repeal by the Legislature. Section 119.15(2), F.S., provides that an exemption is to be maintained only if: the exempted record or meeting is of a sensitive, personal nature concerning individuals; the exemption is necessary for the effective and efficient administration of a governmental program; or the exemption affects confidential information concerning an entity.

PROJECT OBJECTIVE(S):

To determine if the exemptions from the Public Records Law contained in s. 395.3035(4)(a), F.S., should be continued or modified under the criteria specified in the Open Government Sunset Review Act of 1995.

METHODOLOGY:

Staff will review the provisions and applicable law according to the criteria specified in the Open Government Sunset Review Act of 1995. Staff will seek input from public hospitals, professional associations, and other interested stakeholders to determine if any aspects of s. 395.3035(4)(a), F.S., should be revised and saved from repeal through reenactment.

INTERIM MANDATORY REVIEW TITLE:

Open Government Sunset Review of the Public Records Exemption for Medical and Other Personal Information about Patients of Home Medical Equipment Providers that is Obtained by the Licensing Agency (s. 400.945, F.S.)

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-206

BACKGROUND and DESCRIPTION:

Part IX of ch. 400, F.S., requires home medical equipment providers to be licensed by the Agency for Health Care Administration. Section 400.94, F.S., requires each home medical equipment provider to maintain a record for each patient that must include any physician's order or certificate of medical necessity, signed and dated delivery slips, notes reflecting all services and maintenance performed, and the date on which rental equipment was retrieved. These records are considered patient records under s. 456.057, F.S., and must be maintained for 5 years following termination of services. Under s. 400.945, F.S., medical and other personal information of a home medical equipment provider which is received by the licensing agency through inspections or reports is confidential and exempt from the provisions of s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution.

PROJECT OBJECTIVE(S):

To determine if the exemption from the Public Records Law contained in s. 400.945, F.S., should be continued or modified under the criteria specified in the Open Government Sunset Review Act of 1995.

METHODOLOGY:

Staff will review the provisions and applicable law according to the criteria specified in the Open Government Sunset Review Act of 1995. Staff will seek input from the Agency for Health Care Administration, home medical equipment providers, professional associations, and other interested stakeholders to determine if any aspects of s. 400.945, F.S., should be revised and saved from repeal through reenactment.

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Implementation of the Health and Human Services Access Act

DATE DUE: N/A

PROJECT NUMBER: 2004-365

BACKGROUND and DESCRIPTION:

The 2002 Legislature created the Florida Health and Human Services Access Act which contained provisions for:

- Development of a statewide information and referral system using the 2-1-1 telephone number;
- Development of a simplified eligibility determination process linked to information and referral services;
- Establishment of a pilot project to be conducted by the Agency for Health Care Administration to determine the feasibility of integrating state-funded health care benefit eligibility determination with information and referral services.
- Establishment of a steering committee to oversee all aspects of the pilot program and implementation of the information and referral system.

The Agency for Health Care Administration selected a pilot site for implementation of an enhanced eligibility determination process that would allow an individual seeking access to publicly funded health care programs to access the programs via the Internet, an office visit, or a 2-1-1 telephone operator. The Agency has adopted a rule for the certification of 2-1-1 information and referral centers and is receiving applications for 2-1-1 telephone numbers. However, the 2003 Legislature did not fund the Health and Human Services Access Act, and all contracts have been terminated. AHCA will submit a status report to the Legislature and Governor in January 2004.

PROJECT OBJECTIVE(S):

To monitor the Agency for Health Care Administration's implementation of the application process for 2-1-1 telephone numbers.

METHODOLOGY:

Committee staff will consult with AHCA staff concerning the only remaining agency activity, reviewing applications for a 2-1-1 number.

INTERIM MONITOR PROJECT TITLE:

Reporting of Nursing Home Liability Data by the Agency for Health Care Administration

DATE DUE: N/A

PROJECT NUMBER: 2004-366

BACKGROUND and DESCRIPTION:

Under s. 400.195, F.S., the Agency for Health Care Administration must report every 6 months to the Governor, Senate President, and Speaker of the House of Representatives concerning nursing home complaints filed with the clerk of the court, deficiencies cited, and notices of intent to litigate received by each facility. The reporting requirement began June 30, 2001, and will end June 30, 2005.

Nursing home litigation was a focus of inquiry at meetings of the Joint Select Committee on Nursing Homes prior to the 2003 Session. The Joint Select Committee heard conflicting testimony regarding the trend in nursing home lawsuits. Data provided by the agency during the next year should give a clearer picture as to whether nursing home lawsuits are increasing in number or decreasing.

PROJECT OBJECTIVE(S):

To monitor the level of nursing home litigation during the year.

METHODOLOGY:

Staff will review the agency's semiannual reports and will consult with professional associations concerning the data.

INTERIM MONITOR PROJECT:

Review of the Implementation of CS/CS/SB 2312, 1st Eng. Relating to Prescription Drug Wholesalers

DATE DUE: N/A

PROJECT NUMBER: 2004-367

BACKGROUND and DESCRIPTION:

This project would monitor the implementation of CS/CS/SB 2312, 1st Eng., which revises the Florida Drug and Cosmetic Act to impose more stringent regulations on prescription drug wholesalers. The list of prohibited acts relating to drugs, devices, and cosmetics is expanded to include additional prohibitions relating to prescription drugs. The bill creates criminal offenses relating to illicit activities involving diversion from the wholesale distribution of prescription drugs. Effective January 1, 2004, the permitting requirements for drug wholesalers are overhauled to require extensive information upon application for a permit, including a criminal history background check, and to require that permits expire annually rather than biennially. The recordkeeping requirements for prescription drug wholesalers are revised under CS/CS/SB 2312, 1st Eng., for a wholesaler that is an authorized distributor of record of a drug manufacturer. The legislation also creates an eleven-member Drug Wholesaler Advisory Council within the Department of Health that must annually review rules adopted to enforce the Florida Drug and Cosmetic Act, provide input to the department, and make recommendations regarding all proposed rules and matters to improve coordination with other state regulatory agencies and the Federal government.

PROJECT OBJECTIVE(S):

This project will monitor implementation by the Department of Health of the changes required by CS/CS/SB 2312, 1st Eng.

METHODOLOGY:

Committee staff will hold meetings with executive agency staff and provider groups involved in implementation of CS/CS/SB 2312, 1st Eng., and attend public meetings and rule workshops regarding provisions contained in the bill.

Home Defense, Public Security, and Ports

INTERIM PROJECTS

INTERIM PROJECT TITLE:

College/University Laboratory Security

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-145

BACKGROUND and DESCRIPTION:

In conducting research, university laboratories handle or use certain biological agents and toxins that have the potential to be hazardous to the health and safety of the public. Universities are responsible for complying with laws governing the possession, use, and transfer of hazardous biological agents and are required to screen personnel, provide access controls, and conduct inspections to ensure compliance.

PROJECT OBJECTIVE(S):

This project will be conducted to ensure that existing laboratory security procedures are adequate and are properly enforced.

METHODOLOGY:

Staff will review the procedures used by public and private higher education facilities to secure laboratory facilities, equipment, and supplies and to maintain personnel security within the labs. As needed, staff may conduct interviews, by phone, electronic mail or in person, with participants, affected parties or others pertaining to this review. Workshops and meetings may be held to obtain and review information related to this project.

INTERIM PROJECT TITLE:

State Domestic Security Oversight Board and Regional Domestic Security Task Forces

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-146

BACKGROUND and DESCRIPTION:

Chapter 2001-365, Laws of Florida created the position of Chief of Domestic Security Initiatives within the Department of Law Enforcement (FDLE) and established seven regional domestic security task forces to serve in an advisory capacity to the chief. These task forces are located in each of FDLE's operational regions and were created to address preparation and response efforts by law enforcement, emergency management, fire and rescue, first-responder personnel, and others in dealing with acts of terrorism. Although not created by statute, a Domestic Security Oversight Board was created in November 2001, to ensure statewide operational consistency among the regional domestic security task forces.

PROJECT OBJECTIVE(S):

Review current domestic security initiatives to determine if additional statutory provisions are required to codify the role and membership of the State Domestic Security Oversight Board and to assure the proper functionality of the Regional Domestic Security Task Forces in relation to local, state, and federal governments.

METHODOLOGY:

Staff will examine the structure and operations of the State Domestic Security Oversight Board and the seven Regional Domestic Security Task Forces, and review the activities of the Oversight Board and Task Forces since 2001. As needed, staff may conduct interviews, by phone, electronic mail or in person, with participants, affected parties or others pertaining to this review. Workshops and meetings may be held to obtain and review information related to this project.

INTERIM PROJECT TITLE:

Federal Funding for Domestic Security

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-147

BACKGROUND and DESCRIPTION:

Continue to review all releases of federal dollars for domestic security in cooperation with the Domestic Security Oversight Board and the Federal Funding Workgroup.

PROJECT OBJECTIVE(S):

To make recommendations, as needed, to the Appropriations Committee and the Legislative Budget Commission on spending authorizations in accordance with the state's Domestic Security Strategic Plan. To continue to work with federal, state, and local governments to identify and secure sources of funding for domestic security issues.

METHODOLOGY:

Staff will attend scheduled meetings of the Domestic Security Oversight Board and the Federal Funding Workgroup to stay apprised of domestic security needs of the State. In addition, staff will maintain contact with federal, state, local, and private entities to assure that all appropriate actions are being taken to pursue available funding. As needed, staff may conduct interviews, by phone, electronic mail or in person, with participants, affected parties or others pertaining to this review. Workshops and meetings may be held to obtain and review information related to this project.

INTERIM PROJECT TITLE:

Hospital Response Capacity

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-148

BACKGROUND and DESCRIPTION:

Chapter 395, Florida Statutes, requires the Department of Health to establish a state trauma system plan. As part of the state trauma system plan, trauma regions must be established to cover all geographical areas of the state. These regions may serve as the basis for the development of department-approved local or regional trauma plans. Level I and Level II trauma centers must be capable of annually treating a minimum of 1,000 and 500 patients, respectively, with an injury severity score of 9 or greater. Based on the numbers and locations of trauma victims with these injury severity scores, there should be 19 trauma service areas in the state, and at a minimum, there should be at least one trauma center in each service area.

PROJECT OBJECTIVE(S):

To determine if the current trauma capacities of Florida's public and private hospitals are adequate for responding to bioterrorism and mass casualty events with a focus on surge capacity, including both personnel and bed numbers. This review will focus primarily on emergency room, trauma and burn treatment capabilities in the seven response regions of the state and each region's ability to respond to surges in patient loads as a result of various types of mass casualty events. This will include a review of facility interconnectivity (internet, other communications systems, cooperatives, memorandums of understanding) with other response agencies and facilities for continuity of operations and surge capacity.

METHODOLOGY:

Staff will review capacities of public and private hospitals to respond to mass casualty events using geographic and population measures as indicators of size and type of response capability needed. As needed, staff may conduct interviews, by phone, electronic mail or in person, with participants, affected parties or others pertaining to this review. Workshops and meetings may be held to obtain and review information related to this project. As needed, staff may conduct interviews, by phone, electronic mail or in person, with participants, affected parties or others pertaining to this review. Workshops and meetings may be held to obtain and review information related to this project. The Committee on Health, Aging, and Long Term Care and the Appropriations Subcommittee on General Government will provide assistance, as needed, with this project.

INTERIM PROJECT TITLE:

Pre-K through Grade 12 School Security

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-149

BACKGROUND and DESCRIPTION:

Chapter 1006, F.S., provides district school board duties for student discipline and school safety, including emergency drills and emergency procedures. District school boards must develop policies and procedures for emergency drills and for actual emergencies for all the public schools of the district which comprise grades K-12. School boards are required to use the safety and security best practices developed by OPPAGA to conduct a self-assessment of current district safety and security practices. The first best practices were developed for the 2001-2002 school year by OPPAGA and the Partnership for School Safety and Security and approved by the Commissioner of Education.

PROJECT OBJECTIVE(S):

To ensure that statewide security guidelines for educational facilities are adequate and are being implemented by the Department of Education and local school districts. To determine what lesson and best practices might be available to other educational entities, such as private school facilities, preschools, and colleges and universities.

METHODOLOGY:

Review progress of Department of Education in implementing statewide guidelines for security at educational facilities and in seeing that local school districts are complying with those guidelines. Review best practices that might be available for enhancing security at private schools, preschools and daycare facilities. As needed, staff may conduct interviews, by phone, electronic mail or in person, with participants, affected parties or others pertaining to this review. Workshops and meetings may be held to obtain and review information related to this project.

INTERIM PROJECT TITLE:

Seaport Security

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-150

BACKGROUND and DESCRIPTION:

The Maritime Transportation Security Act of 2002 (MTSA) provides for the development of federal regulations and resources for maritime security in the United States and at identified foreign ports. The MTSA requires the development of a National Maritime Transportation Security Plan for implementation of security enhancing initiatives at the nation's ports. The Maritime Transportation Security Act directs the U.S. Coast Guard to issue regulations to implement the Port Security section of the Act. The Coast Guard plans to publish a temporary interim rule no later than June 2003 and a final rule by November 2003.

In December 2002, the International Maritime Organization Conference adopted new regulations to enhance ship and port security including the International Ship and Port Facility Security (ISPS) Code. This code is effective in July 2004 and provides a standardized framework for evaluating risk, enabling governments to offset changes in threat with changes in vulnerability for ships and port facilities.

CS/CS/SB 1616 provides for the development and implementation of a Uniform Port Access Credentialing System for use by all ports subject to the statewide minimum seaport security standards.

PROJECT OBJECTIVE(S):

This project will be conducted to ensure that adequate procedures are in place to comply with new federal and state seaport security regulations. Upon issuance of new federal regulations, a review of state regulations will be necessary to determine whether changes to state law will be required. In addition, oversight of the development and implementation of the Uniform Port Access Credential System will be an important component of this project.

METHODOLOGY:

Staff will review the planning and implementation procedures for federal and state laws and rules, including the ISPS Code, the United States Coast Guard Interim and Final Rules for Maritime Security (with specific emphasis on requirements for private ports and terminal facilities), and the Uniform Port

Access Credential System. As needed, staff may conduct interviews, by phone, electronic mail or in person, with participants, affected parties or others pertaining to this review. Workshops and meetings may be held to obtain and review information related to this project.

INTERIM PROJECT TITLE:

Ground/Linear Transportation Security

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-151

BACKGROUND and DESCRIPTION:

Securing our multi-modal transportation system against terrorists and their weapons took on increased significance after the events of September 11, 2001. As the nation's transportation security manager, the Transportation Security Administration within the Department of Homeland Security works closely with federal, state, and local agencies as well as private industry to develop a consistent approach for the coordination and collaboration of security efforts across the different modes of transportation. Securing Florida's transportation system must be accomplished while preserving the rapid flow of goods and people into and across the state. Ground transportation security, including commercial trucking, railroad, pipeline and commercial passenger transportation, needs to be reviewed in light of concerns regarding hazardous material transport, use of vehicles as "tools of terrorism," and the "soft target" nature of public transportation and linear transportation.

PROJECT OBJECTIVE(S):

To examine the state's ground transportation security preparedness and to identify methods for obtaining greater standardization in response protocols.

METHODOLOGY:

Review security issues related to commercial trucking, rail, pipeline, and public transportation of hazardous materials, high-risk cargo, commodities, and passengers. Review Transportation Security Administration protocols, rules and regulations related to ground transportation. As needed, staff may conduct interviews, by phone, electronic mail or in person, with participants, affected parties or others pertaining to this review. Workshops and meetings may be held to obtain and review information related to this project. The Committee on Transportation will provide assistance as it relates to the hazardous material portion of this project.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Secure Airports for Florida's Economy

DATE DUE: N/A

PROJECT NUMBER: 2004-368

BACKGROUND and DESCRIPTION:

The Aviation and Transportation Security Act was signed into law by President George W. Bush on November 19, 2001. This law made security functions at United States airports the responsibility of the Federal Government and fundamentally changed the way we approach the safety and security of the civil air transportation system. This law established the Transportation Security Administration (TSA) with responsibility for security in all modes of transportation, including civil aviation. The law also set forth deadlines for TSA to implement specific aviation security improvements. Although security functions at commercial airports have been federalized, oversight of the day to day security operations of general aviation airports is still a function of state or local law enforcement. CS/CS/SB 2578 creates the Secure Airports for Florida's Economy (SAFE) Council consisting of representatives from the airline and general aviation industries, commercial service and general aviation airports, the Departments of Community Affairs, the Department of Law Enforcement, the Department of Transportation, and the Office of Tourism, Trade, and Economic Development. The SAFE Council must develop a five-year SAFE Master Plan defining goals and objectives needed to develop airport facilities and an intermodal transportation system. The Council must develop a list of projects with recommended funding levels for each.

PROJECT OBJECTIVE(S):

Committee staff will monitor the activities of the SAFE Council which relate to Florida Department of Law Enforcement review of airport security plans as described in Ch. 2003-288, LOF.

METHODOLOGY:

As needed, staff may conduct interviews, by phone, electronic mail or in person, with participants, affected parties or others pertaining to this review. Workshops and meetings may be held to obtain and review information related to this project. The Committee on Transportation will provide assistance with this monitor project.

Judiciary

INTERIM PROJECTS

INTERIM PROJECT TITLE:

<i>Claims Bills Reform</i>

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-152

BACKGROUND and DESCRIPTION:

The doctrine of sovereign immunity, as derived from the English common law, provides that the government cannot be sued in tort without its consent. This blanket of immunity applies to all subdivisions of the state including its agencies, counties, municipalities, and school boards; however, Article X, s. 13 of the Florida Constitution, provides that sovereign immunity may be waived through an enactment of general law.

In 1973, the Legislature enacted s. 768.28, F.S., which permits individuals to sue the state, its agencies and subdivisions, in circumstances where a private person would be liable to the claimant under general law. Recovery in such suits is limited. Subsection (5) imposes a \$100,000 limit on the government's liability to a single person, and a \$200,000 limit on the government's liability for all claims arising out of a single incident. Plaintiffs may obtain judgments in excess of the statutory caps; however, plaintiffs cannot force the government to pay damages in excess of the caps. A plaintiff may seek to be made whole on the judgment or settlement amount by requesting that a legislator sponsor a claims bill on his or her behalf to authorize the state or a subdivision of the state to make payment on the outstanding portion of the judgment or settlement. Regardless of the outcome, subsection (8) limits the fee for services rendered that an attorney may charge, demand, receive or collect from a claimant to 25 percent of the judgment or settlement. The term "services" is not defined.

PROJECT OBJECTIVE(S):

The objective of this project is to determine what services associated with representing a claimant in an action pursuant to s. 768.28, F.S., should be included under the attorney fee cap found in s. 768.28(8), F.S.

METHODOLOGY:

Staff will review Florida law and legislative procedure on the identification of services and fees associated with representing a claimant in both judicial and legislative venues in an action under s. 768.28, F.S. Additionally, staff will query other states and the national legislative conferences to identify the practices other states use to determine what services and fees associated with this type of action may be covered by a fee cap.

MANDATORY REVIEWS

INTERIM MANDATORY REVIEW TITLE:

Review for continued existence of the Joint Legislative Committee on Article V (s. 11.75, F.S.)

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-207

BACKGROUND and DESCRIPTION:

The Joint Legislative Committee on Article V was created in Ch. 2000-237, Laws of Florida. The committee was to be composed of eight members appointed as follows: four members of the Senate appointed by the President of the Senate and four members of the House of Representatives appointed by the Speaker of the House of Representatives. The committee was charged with coordinating and overseeing the implementation of Revision 7 to Article V of the State Constitution. The committee was to make recommendations to the Legislature, including proposed legislation, in an annual report to be submitted by October 15, of each year. The Legislature is required to review the joint committee in 2004 to determine the necessity of its continued existence.

PROJECT OBJECTIVE(S):

This mandatory review will provide a recommendation as to whether s. 11.75, F.S., creating the Joint Legislative Committee on Article V, should be repealed.

METHODOLOGY:

Staff will review the progress of the implementation of Revision 7 to Article V of the State Constitution to determine whether a need still exists for the existence of a joint legislative committee dedicated to this issue.

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Implementation of Revision 7 to Article V of the State Constitution

DATE DUE: N/A

PROJECT NUMBER: 2004-369

BACKGROUND and DESCRIPTION:

In 1998, a proposal by the Constitution Revision Commission to amend Article V of the Florida Constitution was adopted by the voters. The essence of Revision 7 to Article V provides for the funding reallocation and cost-shifting of the state court system among the state, the 67 counties and users of the system to be fully effectuated by July 1, 2004. In 2000, Senate President Jennings and House Speaker Thrasher established the Task Force on State Court Funding/Article V, to formulate recommendations on implementation of the amendment. The task force subsequently recommended an implementation schedule and initial definitions for the basic judicial system, as well as the initial definitions for those items the State Constitution requires the counties to fund. The proposed schedule for review of the court

system and definitions of court functions and county responsibilities were approved by the Legislature in SB 1212, Chapter 2000-237, Laws of Florida.

During the 2003 Special Session “A,” the Legislature passed HB 113A (SB 34-A); ch 2003-402, Laws of Florida to continue the 4-year phase-in legislative implementation of Revision 7 begun in 2000. The Act builds upon the work begun in 2000, further defining and delineating the state and county funding responsibilities for the state courts system, the offices of the state attorneys, the offices of the public defender, and the local requirements and other court-related functions performed by the clerks of the court. The Act also creates a 12-member Article V Indigent Services Advisory Board. The Board’s responsibilities include recommending qualifications for authorized state-funded due process services including eligibility and performance standards for court-appointed counsel, recommending adjustments to compensation standards for court-appointed counsel and other providers of due process services, identifying due process services for indigents, recommending statewide contracting standards for the procurement of such services, and advising the Legislature on strategies and policies for cost-containment. The Justice Administrative Commission is required to issue quarterly statewide reports on circuit-to-circuit expenditures to the local circuit Article V indigent services committees and the Legislature.

The Act also establishes a 9-member Clerk of the Court Operations Conference as a review and advisory body. The Conference also has authority to recommend changes to court-related service charges, fines and fees, to receive, review and approve clerks’ court-related projected revenues, court projected revenues and budgets, to certify budget deficits, to develop accountability and performance standards and to publish and adjust fee schedules. The Department of Financial Services is directed to undertake a review of and make revisions to the Florida Accounting Information Resource subsystem and the Uniform Accounting System Manual made necessary as a result of Revision 7. The Act also requires the Chief Financial Officer to conduct a study to determine county expenditures for court-related services for fiscal year 2001-2002. Finally, the Act requires the integrated court computer system to be operational by January 1, 2006, and at a minimum, be able to electronically exchange judicial case background sentencing guidelines and score sheets and video evidence information stored in integrated case-management systems over secure networks.

PROJECT OBJECTIVE(S):

This project will continue the review of the court system moving the state toward implementation of Revision 7 to Article V of the State Constitution by July 1, 2004. Further, this project will monitor the progress and submission of reports, recommendations, and data required to be submitted to the Legislature pursuant to Chapter 2003-402, Laws of Florida.

METHODOLOGY:

Committee staff will continue to work with the stakeholders on Revision 7 to Article V: the Office of the State Court Administrator, the Trial Court Budget Commission, the State Attorneys, the Public Defenders, the Clerks of the Circuit Court, the counties and the Justice Administrative Commission. Committee staff will work with the newly established Article V Indigent Services Advisory Board and Clerk of the Court Operations Conference to ensure their compliance with Chapter 2003-402, Laws of Florida. Additionally, staff will perform various research and data compilation projects as necessary to facilitate the full implementation of Revision 7 to Article V.

Military and Veterans' Affairs, Base Protection, and Spaceports

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Programs to Assist and Support Florida's Military Families

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-153

BACKGROUND and DESCRIPTION:

Florida's 22 military installations and 3 joint commands employ more than 80,000 active-duty military personnel. The associated economic impact of Florida's military installations exceeds \$20 billion annually. Currently, the federal government is embarking on another base realignment and closure initiative, commonly referred to as "BRAC", during which military installations across all services will be reviewed to determine whether functions and bases can be consolidated or closed. Preliminary indications by the Department of Defense suggest that while military value will be paramount in BRAC deliberations, "quality of life" issues will also receive considerable scrutiny.

During the 2003 Regular Session, the Legislature enacted several bills strengthening the legal protections afforded military personnel. For example, SB 1098 ("Uniformed Servicemembers Protection Act") prohibits discrimination when renting to military personnel, provides for the early termination of residential rental agreements under certain circumstances without penalty, and clarifies and expands pay and leave of absence provisions for active military service.

During the discussions that accompanied SB 1098, a number of related concerns were identified. Most of these concerns related to the availability of support services for the spouses and dependents of military personnel. For example, representatives of the armed services indicated that Florida's professional licensure and certification requirements should be examined to better address the needs of military spouses relocating to Florida. Similarly, participants suggested that there are opportunities to improve services to school-age military dependents transitioning into Florida schools.

PROJECT OBJECTIVE(S):

This interim project will identify state programs and services currently available to assist military personnel and their families. In addition, the interim project will evaluate additional strategies to support Florida's military families, with an emphasis on improving career and educational opportunities. Finally, the interim project will examine possible changes in state law which have come to light following the mobilization of military personnel associated with "Operation Iraqi Freedom". The overall objective is to ensure that Florida maintains a military-friendly environment.

METHODOLOGY:

In addition to statutory and literature reviews, staff will meet with various stakeholders, including active/reserve military personnel and representatives of military support organizations. Staff will also consult with representatives of state and local agencies, including the Department of Military Affairs, the Department of Business and Professional Regulation, the Department of Education, and others.

Finally, staff will examine programs in other states that provide support and assistance for military families.

INTERIM PROJECT TITLE:

Protecting Florida's Contribution to the Nation's Military Readiness (BRAC)

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-154

BACKGROUND and DESCRIPTION:

Florida means different things to different people. However, very few people think of Florida in terms of its contributions to the military readiness of our country. And yet, there are 22 military installations and three joint commands situated within our boundaries.

Unfortunately, Florida may be in jeopardy of losing some of its bases. The federal government will be looking at military installations nationwide in an effort to reduce that number by approximately 25%. Given today's financial outlook, Florida can not afford to lose 25% of the \$30 billion dollars that these bases and the resulting defense industries contribute to our economy.

This federal process, commonly referred to as "BRAC" for base realignment and closure, is just beginning. The final decisions on which bases to close will be made in 2005. But if we are to be successful in 2005, we must start now.

During the 2003 Regular Session, the Military Affairs Committee began looking at this issue. Various groups from around the state, basically constituting the Florida Defense Alliance, made presentations to the committee. The President's Office retained a retired military officer to visit Florida's military installations and prepare a report on ways the state can assist those installations.

Legislation was also introduced by the committee's vice-chairman aimed at protecting the mission of military installations by addressing encroachment around bases caused by expanding local communities. While the Senate passed out the legislation twice, the House was unable to get the House companion out of committee.

The Governor recently appointed a private sector task force to address the impending BRAC process. The task force had just begun to meet and, therefore, is not in a position to make recommendations at this time.

PROJECT OBJECTIVE(S):

The overall objective is to determine what can be done to protect Florida's military installations against closure or realignment as a result of the 2005 BRAC process. This overall objective can be further broken down into two subgroups; substantive legislation aimed at protecting or enhancing our military installations and methodologies for making Florida's case to the federal decision makers in Washington.

METHODOLOGY:

Several different approaches will be used in achieving the objectives of this interim project. First, committee staff will review legislation proposed during the 2003 Regular Session, hold workshops on such legislation, and prepare enhanced versions of the legislation for consideration during the 2004 Session. Staff will also review the findings and recommendations of the report commissioned by the President's office based on visits to Florida's military installations. Since military installations in all states will be subjected to the BRAC process, staff will also review legislation proposed or adopted on this subject in other jurisdictions.

A major emphasis will be placed on monitoring the Governor's task force on base closure. The chairman of the Military Affairs Committee is a non-voting member of that task force. Recommendations of the task force will be reviewed for possible conversion to substantive legislation or to methodologies that can be used in forming or reacting to decisions made in Washington D.C.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

MONITOR PROJECT TITLE:

<i>Florida's Space Industry</i>

DATE DUE: N/A

PROJECT NUMBER: 2004-370

BACKGROUND and DESCRIPTION:

Florida has always been known as the premier launch state. In October of 1949, President Harry S. Truman established the Joint Long Range Proving Grounds at Cape Canaveral. That primitive spaceport was inaugurated on July 19, 1950 when a modified V-2 rocket, called Bumper 7, sputtered and fizzled on count down, a victim of the corroding effects of the salt laden ocean air. Five days later, Bumper 8 was successfully launched.

As the world knows, Alan Shepard's suborbital flight started at "the Cape". That successful flight was followed by the Army's historic Redstone missile program, the Navy's Vanguard missile project for placing satellites in orbit, and the ambitious Apollo project to take men to the moon and back. The Cape was renamed the John F. Kennedy Space Center (KSC) in December of 1963 to honor the recently assassinated president.

Since that time, KCS has experienced tremendous successes, the ultimate failures, and competition from other states and countries. To help address competition and enable the state to maintain its position as the world's premier location for space enterprise, the Florida Space Authority was statutorily created in 1989 (see ch. 331, F.S.). The Authority is dedicated to providing economic development for the state through space-related businesses and educational opportunities including, but not limited to, technology,

research, education, finance, tourism, and launch. A former NASA astronaut has just been appointed as the new executive director of the Space Authority.

Ten years later, the Florida Space Research Institute and the Florida Commercial Space Financing Corporation were also statutorily created to add to the state's emphasis on the space industry. The Florida Space Research Institute is a public/private partnership which serves as an industry driven center for research to support Florida's space industry, its expansion, diversification, and transition to commercialization. The Florida Commercial Space Financing Corporation's mission is to expand the employment opportunities of Florida residents and increase development of the commercial space and aerospace industry in Florida by providing financial and technical assistance to space related businesses.

These three entities reflect the state's effort, past and present, to keep Florida the place for manned and unmanned space flight, and in doing so, receive the economic benefits that come from a robust space and aerospace industry. Reflecting the current financial climate, the budget for these three entities was reduced by approximately one-third this current fiscal year.

PROJECT OBJECTIVE(S):

Establishing new management at the Space Authority will take time. The new executive director will undoubtedly want to shift the focus to his goals and the best way to achieve them. The budget reductions will hinder efforts to attempt to go beyond anything but the status quo. Given this environment, committee staff will monitor efforts of the new management to "get under way" and the degree of success all three entities have in today's depressed market.

METHODOLOGY:

All three entities will provide periodic reports on their management and economic development efforts.

Natural Resources

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Florida Fish and Wildlife Commission Penalties

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-155

BACKGROUND and DESCRIPTION:

Section 9, Art. IV, of the State Constitution, establishes the Florida Fish and Wildlife Conservation Commission's (FWC) executive and regulatory authority over wild animal life, fresh water aquatic life, and marine life. Exceptions to that authority are provided as follows:

(a) All license fees for taking wild animal life, fresh water aquatic life, and marine life shall be prescribed by general law.

(b) Penalties for violation regulations of the FWC shall be prescribed by general law.

As a result of the merger that created the FWC and through the adoption of recent rules, questions have arisen as to whether certain penalties created or renewed are sufficiently based on specific legislative authority.

PROJECT OBJECTIVE(S):

The primary objective of this project is to evaluate the extent to which penalty provisions should be specifically linked to new FWC regulatory prohibitions.

METHODOLOGY:

The FWC will provide committee staff with a list of regulations and prohibited activities created and adopted by rule since the agency was created in 1999.

Committee staff will review the submitted list and pertinent state law to ensure that sufficient authority exists for penalties being applied by the FWC for violations of rules on the list.

Committee staff will recommend if certain statutes need to be re-enacted to provide the FWC with the necessary authority to enforce penalties.

INTERIM PROJECT TITLE:

Department of Environmental Protection Permit Fees

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-156

BACKGROUND and DESCRIPTION:

The Department of Environmental Protection has over 100 different fees for various types of environmental permits. These specific fees are based on a series of categories created in statute. The statutory authority establishes minimums and maximums for these fees. The rule that specifies the exact fee for various permits granted under the broad statutory authority has not been substantially updated in over 5 years. While specific statutory language requires that fees for some permits issued by the agency cover program costs, many permit fees are substantially less than needed to cover the costs of the program for which they are issued. As a result, the state's general revenue fund along with various trust funds is used to cover the difference between actual program costs and revenues generated from permit fees.

PROJECT OBJECTIVE(S):

The objective of the project will be to review the fees and costs associated with their issuance to determine what changes should be made.

METHODOLOGY:

Committee staff will review legislative and rule history of the permit fee statutes. Specific issues to be researched include: identifying when the fee was established; the purpose of its creation; and a history of modifications.

Agency staff will be asked to assist by providing information on methodology used to establish the fees. In addition, the agency will be requested to provide information concerning efforts to monitor the fees and ensure that they are sufficient to meet statutory directives.

The Appropriations Subcommittee on General Government will be assisting in this project. They will compile historic data on revenues and expenditures associated with each fee.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

<i>Everglades</i>

DATE DUE: N/A

PROJECT NUMBER: 2004-371

BACKGROUND and DESCRIPTION:

With the enactment of modifications to the Everglades Forever Act during the 2003 Regular Session and the 2003 Special Session A, a series of events will occur that include a federal court date to conduct a hearing and appoint a special master to review the legislation; adoption and finalization of a phosphorus numeric criterion standard by the Environmental Regulation Commission and the

finalization of the phosphorus numeric criterion rule by the Department of Environmental Protection; the potential for lawsuits to be filed over the phosphorus numeric criterion standard and rule; and a federal multi-agency review of the legislative changes.

PROJECT OBJECTIVE(S):

Ensure that the members of the Florida Senate maintain an adequate and up-to-date account of federal and state efforts which can affect the Everglades.

METHODOLOGY:

Monitor the federal court hearing and possible appointment of a Special Master.

Attend phosphorus numeric criterion standard development meetings of the Environmental Regulation Commission.

Review the proposed final phosphorus criterion rule to identify potential areas of interest to the Senate.

Monitor reactions of the federal agencies to the recent legislation, including agency reviews and/or recommendations for improvement to the Everglades Forever Act.

Monitor information provided by the Florida-Washington Office to determine the level of funding that has been appropriated for the Comprehensive Everglades Restoration.

INTERIM MONITOR PROJECT TITLE:

Manatee Issues

DATE DUE: N/A

PROJECT NUMBER: 2004-372

BACKGROUND and DESCRIPTION:

The United States Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FWC) are involved with updating rules relating to manatee protection. Changes to existing rules, and rules implementing new speed zones and/or manatee protection areas will impact dock and marina permits, boat shows, recreational boating and fishing, and other water related activities. Federal changes have the potential to severely damage economic activity in Southwest Florida.

On the state front, the Legislature recently increased funding for FWC law enforcement efforts through the use of marina fuel tax revenues, and specifically provided that some of the funds are to be used to increase the FWC's manatee protection efforts. In addition, the FWC recently decided to delay downlisting manatees from endangered status to threatened status, a proposal that has generated considerable controversy.

PROJECT OBJECTIVE(S):

The objective of the project is to ensure that the members of the Florida Senate maintain an adequate and up-to-date account of federal and state efforts relating to the protection of manatees.

METHODOLOGY:

Review final federal rule changes published by the USFWS in the Federal Register in August 2003.

Monitor talks between state and federal wildlife officials relating to the coordination of law enforcement efforts in manatee speed zones and manatee protection areas.

Monitor the state grant program relating to the development of manatee avoidance technology.

Monitor the number of manatee deaths due to water-related activities.

Monitor the expenditure of marine fuel tax revenues for law enforcement efforts.

INTERIM MONITOR PROJECT TITLE:

Tri-Rivers Compact

DATE DUE: N/A

PROJECT NUMBER: 2004-373

BACKGROUND and DESCRIPTION:

Florida, Georgia, and Alabama are currently involved in negotiations concerning the economic and environmental impacts of water withdrawals from the Flint-Chattahoochee-Apalachicola Rivers system. Any agreements that result from these talks could have significant impacts on the state's critical fishery industry in Apalachicola Bay.

PROJECT OBJECTIVE(S):

Staff will monitor and report on the progress of the negotiations.

METHODOLOGY:

A draft agreement among the three states is anticipated this fall. The draft will then be published for a 60-day public comment period. The committee will request that presentations be made concerning the contents of the draft during the comment period. A field trip to Lake Seminole, the point at which the rivers meet, may be requested to coincide with discussions of the draft agreement.

Regulated Industries

INTERIM PROJECTS

INTERIM PROJECT TITLE:

<i>Review of Chapter 550, F.S.</i>

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-157

BACKGROUND and DESCRIPTION:

During the 2003 Regular Legislative Session, several bills and amendments were introduced that addressed racing restrictions for thoroughbred permit holders. These restrictions were not enacted in a vacuum and other permit holders also have various restrictions under chapter 550, Florida Statutes. The current law has many exceptions and restrictions on the conducting of pari-mutuel activities, including the dates and times for conducting races, restrictions on simulcasting of races, intertrack wagering, permitting, and location of pari-mutuel facilities.

PROJECT OBJECTIVE(S):

Review of chapter 550, Florida Statutes, to determine licensing requirements, restrictions, taxes, and revenue distributions. Evaluate the results of the study and make recommendations on changes to the Florida Statutes if warranted.

METHODOLOGY:

Meet with staff of the Department of Business and Professional Regulation, representatives of pari-mutuel industry, and other interested parties. Review current laws, agency rules, and pari-mutuel provisions in other state laws. Contact national research organizations and review other research resources. Review available departmental reports, OPPAGA reports, Auditor General Reports, and reports from other sources.

INTERIM PROJECT TITLE:

<i>Review of Mold Regulation</i>

DATE DUE: December 1, 2003

PROJECT NUMBER: 2004-158

BACKGROUND and DESCRIPTION:

During the 2003 Legislative Session, SB 2746, relating to mold remediation, passed the Florida Senate but died in House messages. The bill would have regulated individuals and companies that are currently identifying themselves to the public as qualified mold-related specialists. Currently, individuals and companies that engage in the business of identifying and eradicating mold are not regulated. The legislation established a regulatory scheme for these entities.

The issue of mold remediation has also become an issue with regard to insurance coverage. There have been high profile lawsuits in California and Texas and, reportedly, a substantial increase in mold

claims in Florida. The law is silent on the issue of insurance coverage for mold. Approvals and disapprovals by the Office of Insurance Regulation of policy exclusions and limitations for mold coverage has resulted in administrative challenges.

PROJECT OBJECTIVE(S):

To study the feasibility and fiscal impact of the regulation of individuals and companies engaged in mold remediation. The study will also examine the current status of insurance coverage for mold in Florida.

METHODOLOGY:

Meet with staff of the Department of Business and Professional Regulation, Department of Health, Department of Agriculture and Consumer Services, Department of Financial Services and the Office of Insurance Regulation, representatives of the various affected industries, and other interested parties. Review current laws, agency rules, and any mold regulation provisions in other state laws. Contact national research organizations and review other research resources. Work with the staff of the Senate Banking and Insurance Committee to gather information regarding insurance and related issues

INTERIM PROJECT TITLE:

Cemetery and Funeral Regulatory Boards

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-159

BACKGROUND and DESCRIPTION:

The regulation of funeral directing, embalming, and direct disposition, or cremation, of human remains is governed by ch. 470, F.S. Regulation is administered by the Board of Funeral Directors and Embalmers within the Department of Business and Professional Regulation. The regulation of cemeteries, and the sale of preneed burial rights, preneed funeral or burial merchandise, and preneed funeral or burial services, is governed by ch. 497, F.S. Regulations are administered by the Board of Funeral and Cemetery Services within the Department of Banking and Finance. Events over the past two years have given rise to concerns over the care exercised in the interment of human remains and the effectiveness of regulation of the cemetery industry. Because of these events, during the 2002-03 interim, the staff of the Senate Regulated Industries Committee conducted a review of the current state of the funeral and cemetery industries and applicable regulations. The report recommended changes to the Florida Statutes, but did not recommend any change in administration between the two boards. Also during the interim, the industry established a group that studied the issue. Senator Pruitt introduced SB 2016 during the 2003 Regular Legislative Session that made numerous changes to ch. 497, F.S. During the course of the Regular Session, the bill was amended to combine the regulatory boards into one board housed in the Office of the Chief Financial Officer. The bill failed to pass the Legislature.

PROJECT OBJECTIVE(S):

Review and evaluate the legislation filed in the 2003 Regular Legislative Session to determine the appropriate manner to combine the regulatory functions of the Board of Funeral Directors and Embalmers and Board of Funeral and Cemetery Services within one agency.

METHODOLOGY:

Review proposed legislation and meet with representatives from the Department of Business and Professional Regulation, the Office of the Chief Financial Officer, and the death care industry. Review current laws and agency rules, statutory provisions from other jurisdictions, departmental reports, OPPAGA reports, Auditor General Reports, and other information sources.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Implementation of the Chapter 2003-398, Laws of Florida, relating to the Smoking Amendment; and Special Restaurant Licenses

DATE DUE: N/A

PROJECT NUMBER: 2004-374

BACKGROUND and DESCRIPTION:

HB 63A, the companion to CS/SB 44A was passed during Special Session A. It included several enforcement provisions and called for rulemaking by the Departments of Health and Business and Professional Regulation. The implementation of the provisions relating to the enforcement of the stand-alone-bar provisions are of special interest, since these provisions were very contentious during the last hours of the Special Session.

During the debate and negotiations on implementation of Amendment 6 that was approved by the voters at the 2002 General Election, the question of what is the incidental service of food in a stand-alone bar where smoking would be permitted was a item of contention. The Senate decided on establishing a percentage (10%) of the sale of food to the establishment's gross revenue. The issues of enforcement and the determination of the percentage for compliance purposes were also contentious.

An SRX licensed restaurant can serve beer, wine and distilled spirits if it meets a square footage requirement (2,500 sq. ft.), a minimum seating requirement (150 patrons), a minimum service for full course meals (150), and receives 51% or more of its total gross revenue from the retail sale of food and non-alcoholic beverages on the licensed premises. Because the 51% food requirement for SRX restaurants is comparable in effect to the 10% food limitation for stand-alone-bars, an understanding of SRX enforcement issues should contribute to a better understanding of the enforcement of the 10% food limitation for stand-alone-bars.

PROJECT OBJECTIVE(S):

To monitor the implementation and enforcement of the provisions of HB 63A (CS/SB 44A) and the enforcement of SRX licenses.

METHODOLOGY:

Review proposed rules, attend any rule development hearings and other rule hearings. Monitor any court litigation and rule challenges. Meet with Departments of Health and Business and Professional Regulation and industry representatives, as appropriate. Review the department's enforcement procedures for HB 63A and the Special Restaurant License or SRX license.

Transportation

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Florida Department of Highway Safety and Motor Vehicles Definitions

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-160

BACKGROUND and DESCRIPTION:

Currently there are different definitions and exemptions for motor vehicles under ch. 316 (Traffic Laws), ch. 319 (Vehicle Titles), ch. 320 (Vehicle Registrations), and ch. 322 (Driver's Licenses). Such definitions and exemptions differ and in some cases conflict with the different types of vehicles coming on the market. It is not clear which laws are applicable to which vehicle. A comprehensive examination of these motor vehicles and how the laws apply to them is needed to clarify their status as a motor vehicle.

PROJECT OBJECTIVE(S):

This project should clarify for the motoring public what requirements concerning traffic laws, vehicle titles, vehicle registrations, and driver's licenses need to be met for their type of vehicle.

METHODOLOGY:

This project will require a review of relevant federal reports, definitions and interviews of appropriate stakeholders for input.

INTERIM PROJECT TITLE:

Commercial Drivers' Hours of Service

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-161

BACKGROUND and DESCRIPTION:

The U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) recently finalized revisions to its Hours of Service (HOS) regulations. The final rule will be effective, beginning January 4, 2004. The new rule is the first significant change to HOS regulations since 1939.

PROJECT OBJECTIVE(S):

This interim project will examine the impact of the new HOS regulations on Florida. If necessary, proposed legislation will be offered for consideration by the Senate.

METHODOLOGY:

Committee staff will review the new federal HOS regulations and related documents. Staff will also meet with stakeholders for input.

INTERIM PROJECT TITLE:
Driver Responsibility Program

DATE DUE: November 1, 2003

PROJECT NUMBER: 2004-162

BACKGROUND and DESCRIPTION:

The societal and fiscal costs associated with irresponsible driving are enormous. In addition to the incalculable human cost from fatalities and injuries, irresponsible driving costs Florida taxpayers millions of dollars every year. As a complement to the steps already taken across the country to increase driver safety, increased fines for reckless drivers may help improve driver safety and recoup the cost of crashes caused by these drivers. A Driver Responsibility Program may help shift the source of funds paying for irresponsible drivers from taxpayers as a whole to the irresponsible drivers themselves.

PROJECT OBJECTIVE(S):

This interim project will determine if a Driver Responsibility Program that levies fines on Florida's worst drivers can help make streets and highways safer and hold bad drivers accountable for their actions. If necessary, proposed legislation will be offered for consideration by the Senate.

METHODOLOGY:

Staff will review related documents and studies and report the findings to the Senate. Staff will also meet with stake holders for input.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:
Florida High Speed Rail Authority

DATE DUE: N/A

PROJECT NUMBER: 2004-375

BACKGROUND and DESCRIPTION:

Sections 341.8201 – 341.843, F.S., also known as the Florida High Speed Rail Authority Act, provides for the creation of the Florida High Speed Rail Authority for the purpose of planning, designing, financing, constructing, maintaining, owning, operating, administering, and managing a high speed rail system in the state. The authority consists of nine members, three members each appointed by the President of the Senate, The Speaker of the House of Representatives, and the Governor.

PROJECT OBJECTIVE(S):

This project will update the members on the progress of the Florida High Speed Rail Authority.

METHODOLOGY:

Committee staff will monitor the progress of all authority meetings during the interim. The Appropriations Subcommittee on Transportation and Economic Development will be assisting with this project.

INTERIM MONITOR PROJECT TITLE:

The Effects of Failing to Enact the Driver Privacy Protection Act

DATE DUE: N/A

PROJECT NUMBER: 2004-376

BACKGROUND and DESCRIPTION:

Congress enacted the Driver's Privacy Protection Act (DPPA) (18 U.S.C. ss. 2721- 2725) as part of the Violent Crime Control and Law Enforcement Act of 1994. The DPPA is a federal law prohibiting the release of "personal information" contained in state motor vehicle records, unless the release is otherwise specifically authorized. The DPPA further requires states comply with its provisions by 1997. Any state department of motor vehicles in substantial noncompliance is subject to a civil penalty of up to \$5,000 per day.

In an attempt to be in compliance in 1997, the Florida Legislature enacted chapter 97-185, Laws of Florida, which was similar but not identical to the DPPA.

PROJECT OBJECTIVE(S):

This project will monitor Florida's need to enact identical provisions as the DPPA.

METHODOLOGY:

Staff will review what other states have enacted and will determine the probability of the civil penalty being enforced against Florida.

INTERIM MONITOR PROJECT TITLE:

Statewide Intermodal Transportation Advisory Council

DATE DUE: N/A

PROJECT NUMBER: 2004-377

BACKGROUND and DESCRIPTION:

Senate Bill 676 passed this past legislative session creating the Statewide Intermodal Transportation Advisory Council (SITAC). The SITAC is created to advise and make recommendations to the Legislature, and FDOT on planning and funding of intermodal transportation projects in this state. The bill also requires the Florida Transportation Commission to conduct an assessment of the need for an improved philosophical approach to regional and intermodal input in the planning for and governing of the Strategic Intermodal System and other transportation systems.

PROJECT OBJECTIVE(S):

This project will monitor the progress of the SITAC and the Transportation Commission, and report the findings to the Senate.

METHODOLOGY:

Staff will attend SITAC meetings and monitor the progress of the Commission's report.

INTERIM MONITOR PROJECT TITLE:

Effects of Aging on Driving Ability

DATE DUE: N/A

PROJECT NUMBER: 2004-378

BACKGROUND and DESCRIPTION:

During the 2003 Session, the Legislature enacted SB 52, which creates the Florida At-Risk Driver Council. The members of the council are appointed by the Department of Highway Safety and Motor Vehicles (DHSMV) and include representatives of organizations involved with issues facing older drivers including state agencies, medical professionals, senior citizen advocacy groups, providers of services to senior citizens, and research entities. The DHSMV along with the council are required to study the effects of aging on driving ability in order to develop a comprehensive approach to licensing drivers. The DHSMV is required to report the results of the study, which is to include findings of the study and recommendations for improving the safety of at-risk drivers, no later than February 1, 2004. The report shall be issued to the President of the Senate and the Speaker of the House of Representatives.

PROJECT OBJECTIVE(S):

This project will monitor the progress of the DHSMV's report on improving the safety of at-risk drivers and identify potential policy options.

METHODOLOGY:

Committee staff will meet periodically with DHSMV staff to evaluate data collection and report findings.

INTERIM MONITOR PROJECT TITLE:

Secure Airports for Florida's Economy

DATE DUE: N/A

PROJECT NUMBER: 2004-379

BACKGROUND and DESCRIPTION:

House Bill 1833 passed this past legislative session creating the Secure Airports for Florida's Economy (SAFE) Council consisting of the directors, or their designees, of commercial service airports in Florida; the Secretaries or their designees, of the Department of Community Affairs and the Florida Department of Transportation; the director of the Office of Tourism, Trade, and Economic Development and of the Department of Law Enforcement, or his or her designee; the executive directors of two

general aviation airports, appointed by the Florida Airports Council; a representative of the general aviation industry appointed by the Florida Aviation Trades Association; and a representative of the airline industry appointed by the Air Transport Association. The SAFE Council must develop a five-year SAFE Master Plan defining goals and objectives needed to develop airport facilities and an intermodal transportation system.

PROJECT OBJECTIVE(S):

This project will monitor the progress of the SAFE Council and report the findings to the Senate.

METHODOLOGY:

Staff will attend SAFE Council meetings and monitor the work of the Council. The Committee on Home Defense, Public Safety, and Ports will be assisting with this project.

INTERIM MONITOR PROJECT TITLE:

Transportation Equity Act - 21 Reauthorization

DATE DUE: N/A

PROJECT NUMBER: 2004-380

BACKGROUND and DESCRIPTION:

The Transportation Equity Act for the 21st Century was enacted June 9, 1998. TEA-21 authorizes the Federal surface transportation programs for highways, highway safety, and transit for the 6-year period 1998-2003. This act expires October 30, 2003, and the reauthorization of this act is currently under review.

PROJECT OBJECTIVE(S):

This project will inform committee members of proposed changes to TEA-21, and inform the members of any necessary changes to Florida Statutes to conform to federal law.

METHODOLOGY:

Staff will review proposed changes to TEA-21 and review recommendations made by Florida's TEA-21 Reauthorization Working Group. The Appropriations Subcommittee on Transportation and Economic Development will be assisting with this project.