

Interim Work Plan 2007 Session



Tom Lee, President



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Agriculture

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Review the Potential of Licensing Pet Dealers by the Department of Agriculture and Consumer Services

DATE DUE: October 1, 2006

PROJECT NUMBER: 2007-101

BACKGROUND and DESCRIPTION:

In preparation for the 2006 Legislative Session, legislation was filed which would prohibit a person from operating as a pet dealer unless the person is licensed by the Department of Agriculture and Consumer Services. The bill was introduced and referred to the Committees on Agriculture, Commerce and Consumer Services, Community Affairs, and General Government Appropriations. On March 21, the bill was heard in the Committee on Agriculture. After extensive testimony, a request was made for the issues of the bill to become the basis for an interim project. Further hearing on the bill was then temporarily postponed for the remainder of the session.

PROJECT OBJECTIVE(S):

The objective of this project is to review the proposed legislation which would prohibit a person from operating as a pet dealer unless that person is licensed by the Department of Agriculture and Consumer Services and to identify the issues that may need to be addressed in the 2007 Legislative Session.

METHODOLOGY:

Committee staff will consult with interested parties and the Department of Agriculture and Consumer Services to determine what, if any, statutory changes need to be made.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Agricultural Economic Development

DATE DUE: N/A

PROJECT NUMBER: 2007-301

BACKGROUND and DESCRIPTION:

House Bill 1015 amends the law to reduce the time period from 180 days to 90 days for certain procedural actions in a claim by an owner of property classified as agriculture seeking compensation due to the property being subjected to an inordinate burden by government action or inaction.

The bill creates an agricultural enclave classification and provides a rebuttable presumption that an application by an owner of an agricultural enclave to amend a local government comprehensive plan is consistent with rule 9J-5.0065(5), Florida Administrative Code.

The bill amends the statutes to facilitate the continuation of agricultural usage on property acquired for conservation or recreation purposes with an existing agricultural lease.

The bill amends the statutes to assist agricultural landowners in obtaining use permits. It also requires the Department of Agriculture and Consumer Services (DACS) and water management districts to enter into a Memorandum of Agreement regarding the processing of exemptions for agricultural water usage.

The bill also amends the statutes to provide that association dues collected by the Florida Department of Citrus may also be collected by the DACS, and it provides rulemaking authority to accomplish this objective.

PROJECT OBJECTIVE(S):

Monitor implementation of the newly enacted provisions of the legislation.

METHODOLOGY:

Committee staff, in coordination with Community Affairs Committee staff, will monitor the activities of local governments, the water management districts, the Department of Agriculture and Consumer Services and the Department of Citrus as the various provisions of the legislation develop.

Banking and Insurance

INTERIM PROJECTS

(None)

MANDATORY REVIEWS

INTERIM MANDATORY REVIEW TITLE:

Sunset Review of Section 627.311(3)(k)2., F.S., Notice of Civil Remedy Actions Against the Florida Automobile Joint Underwriting Association

DATE DUE: October 1, 2006

PROJECT NUMBER: 2007-201

BACKGROUND and DESCRIPTION:

Section 627.311, F.S., authorizes the Office of Insurance Regulation to approve a joint underwriting plan for motor vehicle insurance, known as the Florida Automobile Joint Underwriting Association (FAJUA). The FAJUA sells motor vehicle insurance to licensed drivers who are otherwise unable to obtain coverage in the private (“voluntary”) market.

Section 624.155, F.S., commonly known as the “civil remedy statute,” authorizes any person to bring a civil action against an insurer when such person is damaged by a violation of specified provisions of the Florida Insurance Code or by the commission of specified acts by the insurer, such as not attempting in good faith to settle claims which under all the circumstances, it could and should have done so, had it acted fairly and honestly towards its insured and with due regard for her or his interests. As a condition precedent to bringing a civil remedy cause of action, the person bringing the action must be given 60 days written notice of the violation to the Department of Financial Services and to the insurer. No action can be initiated if, within this 60-day period, the damages are paid or the circumstances giving rise to the violation are corrected.

The FAJUA statute, in s. 627.311(3)(k)2., F.S., provides that notwithstanding the requirements of s. 624.155, F.S., (the civil remedy statute), as a condition precedent to bringing an action against the FAJUA under s. 624.155, F.S., the Department of Financial Services and the FAJUA must have been given 90 days (rather than 60 days) written notice of the violation. However, this provision expires (is repealed) effective October 1, 2007, unless reenacted by the Legislature prior to that date.

PROJECT OBJECTIVE(S):

To review s. 627.311(3)(k)2., F.S., to determine whether it should be reenacted, amended, or allowed to repeal.

METHODOLOGY:

Committee staff will review the 2002 legislation to determine the rationale for enacting the provisions of s. 627.311(3)(k)2., F.S.; obtain from the Department of Financial Services the civil remedy notices that have been filed against the FAJUA; obtain from the FAJUA information regarding the outcome of the civil remedy notices and related lawsuits that have been filed against the FAJUA; and

interview or survey representatives of the FAJUA, department, and Academy of Florida Trial Lawyers, regarding the justification for the statutory provision under review.

INTERIM MANDATORY REVIEW TITLE:

Open Government Sunset Review of Section 624.23, F.S., Personal Financial and Health Information in Consumer Complaints to Department of Financial Services or Office of Insurance Regulation

DATE DUE: October 1, 2006

PROJECT NUMBER: 2007-202

BACKGROUND and DESCRIPTION:

Insurance policyholders and consumers may file complaints or make inquiries to the Department of Financial Services (DFS) or the Office of Insurance Regulation (OIR) regarding an insurance company or other person or entity regulated by DFS or OIR. In 2002, legislation was enacted, currently codified as s. 624.23, F.S., to provide that all bank account numbers and debit, charge, and credit card numbers; and all other personal financial and health information of a consumer held by DFS or OIR, relating to a consumer's complaint or inquiry regarding a matter regulated under the Florida Insurance Code, are confidential and exempt from the public records law.

This public records exemption 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, 2007, unless reviewed and saved from repeal through reenactment by the Legislature. Under this act, exemptions from s. 24, Art. I of the State Constitution are subject to repeal five years after their enactment unless reviewed and saved from repeal by the Legislature pursuant to the standards established in the act.

PROJECT OBJECTIVE(S):

To review s. 624.23, F.S., to determine if it meets the standards established in the Open Government Sunset Review Act and to recommend whether the exemption should be saved from repeal, revised, or permitted to sunset.

METHODOLOGY:

Staff will review the standards established in the Open Government Sunset Review Act, review relevant case law, and survey the Department of Financial Services and the Office of Insurance Regulation.

INTERIM MANDATORY REVIEW TITLE:

Open Government Sunset Review of Section 717.117(8), F.S., Unclaimed Property

DATE DUE: October 1, 2006

PROJECT NUMBER: 2007-203

BACKGROUND and DESCRIPTION:

Every person holding funds or other property that is presumed to be unclaimed, under statutory criteria, must report to the Department of Financial Services specified information about the property

and the apparent owner, including the name, social security number or taxpayer identification number, date of birth, if known, and last known address, and certain other information, depending on the type of property. The department is then responsible for attempting to locate the owner of the unclaimed property and to return their property.

In 2002, legislation was enacted, in s. 717.117(8), F.S., to provide that social security numbers and financial account numbers contained in unclaimed property reports required under s. 717.117, F.S., held by the Department of Financial Services, are confidential and exempt from the public records law, except that social security numbers shall be released, for the limited purpose of locating owners of abandoned or unclaimed property, to an attorney, Florida-certified public accountant, private investigator who is duly licensed in Florida, or a private investigative agency licensed under ch. 493, F.S. and registered with the department.

This public records exemption 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, 2007, unless reviewed and saved from repeal through reenactment by the Legislature. Under this act, exemptions from s. 24, Art. I of the State Constitution are subject to repeal five years after their enactment unless reviewed and saved from repeal by the Legislature pursuant to the standards established in the act.

PROJECT OBJECTIVE(S):

To review s. 717.117(8), F.S., to determine if it meets the standards established in the Open Government Sunset Review Act and to recommend whether the exemption should be saved from repeal, revised, or permitted to sunset.

METHODOLOGY:

Staff will review the standards established in the Open Government Sunset Review Act, review relevant case law, and survey the Department of Financial Services.

INTERIM MANDATORY REVIEW TITLE:

Open Government Sunset Review of Section 624.319(3)(b), F.S., Workpapers of Examination or Investigations by the Department of Financial Services or the Office of Insurance Regulation

DATE DUE: October 1, 2006

PROJECT NUMBER: 2007-204

BACKGROUND and DESCRIPTION:

Various statutes authorize the Department of Financial Services (DFS) and the Office of Insurance Regulation (OIR) to undertake examinations or investigations of persons and entities regulated under the Florida Insurance Code. In 2002, legislation was enacted, in s. 624.319(3)(b), F.S., that provides that workpapers and other information held by DFS or OIR, and workpapers and other information received from another governmental entity or the National Association of Insurance Commissioners, for the use by DFS or OIR in the performance of its examination or investigation duties pursuant to specified sections of the Florida Statutes are confidential and exempt from the public records law.

This public records exemption 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, 2007, unless reviewed and saved

from repeal through reenactment by the Legislature. Under this act, exemptions from s. 24, Art. I of the State Constitution are subject to repeal five years after their enactment unless reviewed and saved from repeal by the Legislature pursuant to the standards established in the act.

PROJECT OBJECTIVE(S):

To review s. 624.319(3)(6), F.S., to determine if it meets the standards established in the Open Government Sunset Review Act and to recommend whether the exemption should be saved from repeal, revised, or permitted to sunset.

METHODOLOGY:

Staff will review the standards established in the Open Government Sunset Review Act, review relevant case law, and survey the Department of Financial Services and the Office of Insurance Regulation.

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Implementation of the 2006 Property Insurance Act

DATE DUE: N/A

PROJECT NUMBER: 2007-302

BACKGROUND and DESCRIPTION:

In 2006, the Legislature enacted CS/CS/SB 1980 (ch. 2006-12, L.O.F.), which made significant changes related to property insurance, primarily affecting the operations and financing of Citizens Property Insurance Corporation; the Florida Hurricane Catastrophe Fund; rating law requirements; the use of hurricane loss projection models in rate filings; a new program to fund retrofitting homes to mitigate hurricane loss; a new program to fund surplus notes for insurers that commit new capital to covering the Florida hurricane risk; a neutral evaluation process for sinkhole claims; the adoption of standardized rules to apply to insurers after a hurricane; coverage and financing of the Florida Insurance Guaranty Association for claims of insolvent insurers, among others. Additional details of these provisions are outlined in the Project Objectives, below.

PROJECT OBJECTIVE(S):

Receive reports on the implementation of the 2006 property insurance act, including the following:

- Implementation by the State Board of Administration of:
 - the Insurance Capital Build-Up Incentive Program;
 - the requirement for the Florida Hurricane Catastrophe Fund (FHCF) to offer low retention coverage to limited apportionment companies;
 - the 25 percent rapid cash build-up factor for the FHCF; and
 - financing FHCF losses incurred in 2004 and 2005.
- The implementation by the Department of Financial Services of:
 - the Florida Comprehensive Hurricane Damage Mitigation Program; and
 - the neutral evaluation program for sinkhole claims.
- The implementation by Citizens Property Insurance Corporation (“Citizens”) of:
 - financing the 2005 deficit of Citizens;

- requirements for oversight, internal controls, and ethical standards;
- determining eligibility of coverage for nonhomestead property;
- maintaining separate accounting records for nonhomestead property;
- requiring a 10-day waiting period for new applications;
- offering policyholders quarterly and semiannual premium payment plans;
- the authority to adopt policy forms that contain more restrictive coverage than provided in the voluntary market;
- the assumption of policies from insolvent insurers;
- requiring non-wind insurers to contract with Citizens to provide claims adjusting services in the high-risk account;
- the revision to take-out bonuses;
- the required report on consolidating its three accounts and minimizing the cost of carrying debt;
- the required report on the feasibility of requiring insurers providing the non-wind coverage to issue and service Citizens' wind policies; and
- the requirement to make available to general lines agents underwriting and claims files of policyholders with insured values of \$1 million or more, subject to opt-out.
- The implementation by the Office of Insurance Regulation of changes to the rate filing and approval requirements.
- The status of the admissibility in rate filings of hurricane loss projection models that have been approved by the Florida Commission on Hurricane Loss Projection Methodology ("Commission"), the use of the public hurricane loss projection model in rate filings, and the requirement to submit the public model for review by the Commission.
- The adoption of rules by the Financial Services Commission standardizing requirements for insurers after a hurricane.
- The financial status of the Florida Insurance Guaranty Association and projected financing needs (to cover claims of insolvent property insurers).
- The implementation by Tallahassee Community College of the Manufactured Housing and Mobile Home Mitigation and Enhancement Program.
- The required report by the Office of Insurance Regulation of the insurability of attached or free standing structures.
- The required report by the Office of Insurance Regulation on an objective rating system that will allow homeowners to evaluate the relative ability of properties to withstand hurricanes.

METHODOLOGY:

Request reports and presentations to the committee from Citizens, the State Board of Administration, the Department of Financial Services, the Office of Insurance Regulation, the Florida Insurance Guaranty Association, and Tallahassee Community College.

INTERIM MONITOR PROJECT TITLE:

Update on the Florida Workers' Compensation Joint Underwriting Association's Financial Condition and its Efforts to Obtain Tax-Exempt Status

DATE DUE: N/A

PROJECT NUMBER: 2007-303

BACKGROUND and DESCRIPTION:

In 2003 and 2004, the Legislature addressed concerns regarding affordability and availability of workers' compensation insurance for small employers in the Florida Workers' Compensation Joint Underwriting Association (JUA). In 2003, the Legislature established subplan D in the JUA to provide coverage for small employers (15 or fewer employees). The rates in this subplan were capped at 25 percent over voluntary market rates; however, the policies were subject to assessments for additional premiums to cover any deficit in the subplan. At the time, the JUA estimated that its premiums for subplan D should have been higher to remain actuarially sound and, as a result, projected a deficit for that subplan.

In 2004, the Legislature enacted changes to the JUA law to address the growing deficit in subplan D and to provide affordable coverage for small employers that are unable to obtain coverage in the voluntary market. The law provided a one-time appropriation of \$10 million from the Workers' Compensation Administration Trust Fund (WCATF) in the Department of Financial Services (department) to fund any deficit in subplan D, which was vetoed. Additionally, the legislation required the department to create a contingency reserve not to exceed \$15 million within the WCATF for the same purpose. The JUA is authorized to request cash transfers from the reserve sufficient to cover three months of projected cash needs, but access to this reserve expires July 1, 2007. Upon certification of this need by the JUA and the Office of Insurance Regulation (OIR), the department is authorized to submit a budget amendment to request release of funds from the WCATF, subject to approval by the Legislative Budget Commission. To date, the department has transferred \$7.9 million from the contingency reserve to the JUA. The last transfer was approved August 2005. In February 2006, the JUA projected the estimated funding for Subplan D obligations through the contingency reserve will require \$5 million of the remaining contingency reserve.

The 2004 law directed the Auditor General to perform an operational audit of the JUA, which was released December 2004. The Auditor General recommended the Legislature revise the JUA's governing laws to assist the JUA in obtaining federal tax-exempt status and clarify certain provisions regarding the administration of the \$15 million contingency reserve including use of JUA surplus funds attributable to other subplans to fund the deficit in subplan D.

The 2006 Appropriations Implementing Bill (HB 5003) includes additional funding mechanisms for the JUA to cover deficits attributable to certain subplans by requiring the use of surplus funds in another subplan, prior to requesting transfer of state funds or assessing policyholders in the voluntary market. The bill establishes a contingency reserve for the JUA to request transfer of state funds to cover projected cash needs for 6 months for deficits in certain subplans, and the General Appropriations Act for FY 2006-07 provides authority to transfer \$7.1 million to the JUA from the contingency reserve funds. The implementing bill also requires the JUA, by January 1, 2007, to request tax-exempt status of the Internal Revenue Service in order to avoid significant, future federal tax liabilities. The board appointment process is revised to require all appointments by the Financial Services Commission in

order to assist the JUA in obtaining a tax-exempt status. Additionally the bill requires, upon dissolution of the JUA, that all assets be first used to pay all debts and obligations of the plan, and any remaining assets to become property of the state and deposited in the Workers' Compensation Administration Trust Fund.

Since the JUA is anticipating incurring an estimated \$9 million federal tax liability for 2005; it is in the best interest of the state to ensure that the JUA uses its surplus funds to cover deficits prior to receiving any state funds and obtains tax-exempt status from the Internal Revenue Service as soon as possible.

PROJECT OBJECTIVE(S):

To monitor the JUA's implementation of the provisions contained in the 2006 legislation, including the funding of the subplan D deficit, the JUA's progress on securing a tax-exempt status from the Internal Revenue Service in order to eliminate future federal tax liabilities, and the JUA's compliance with rate filing requirements for 2007.

METHODOLOGY:

Staff of the Banking and Insurance Committee and the General Government Appropriations Committee will attend JUA board meetings, communicate with JUA staff and the OIR on a periodic basis, and evaluate financial data and other information provided by the JUA.

Children and Families

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Effectiveness of Community-based Treatment in Reducing Admissions to Forensic Programs at State Mental Health Treatment Facilities

DATE DUE: November 1, 2006

PROJECT NUMBER: 2007-102

BACKGROUND and DESCRIPTION:

Individuals with serious mental illnesses are significantly overrepresented in the criminal justice system according to experts in both the corrections and mental health fields. According to statistics from the U.S. Department of Justice (DOJ), the rate of mental illnesses in persons in jails and prisons is at least three times that of the general population. According to DOJ, 15 percent of jail inmates in the U.S. have severe and persistent mental illnesses. The Florida Department of Corrections (DOC) estimates that the average daily population of Florida jails in 2005 was 59,369. Using the (DOC) jail population estimate and a 15 percent prevalence rate of serious mental illness, approximately 8,900 individuals being held in Florida jails at any given time may have a mental illness. If as a result of a mental illness, an individual is unable to appreciate the nature of the charges against him or her or is unable to assist his or her attorney in a defense, the law provides that the individual may be found incompetent to proceed with trial, and the court may order that he or she be provided treatment to restore competency.

Chapter 916, F.S., the “Forensic Client Services Act,” applies to persons charged with a felony and found to be incompetent to proceed due to mental illness, mental retardation, or autism, or who have been acquitted of felonies by reason of insanity. Individuals with mental illness who are committed under this chapter remain under the jurisdiction of the court but are committed to the custody of the Department of Children and Families (DCF) and are usually treated at one of the three forensic state mental health treatment facilities (SMHTF) at Florida State Hospital in Chattahoochee, North Florida Evaluation and Treatment Center in Gainesville, or South Florida Evaluation and Treatment Center in Miami.

Section 916.107, F.S., provides that “In a criminal case involving a defendant who has been adjudicated incompetent to proceed or not guilty by reason of insanity, a jail may be used as an emergency facility for up to 15 days from the date the department receives a completed copy of the commitment order containing the documentation required by Rules 3.212 and 3.217, Florida Rules of Criminal Procedure (emphasis added).” As of May 4, 2006, the waiting list for admission to a forensic bed in a SMHTF includes 287 individuals, with 193 of those (67 percent) waiting over the statutory limit of 15 days. Overall, commitment orders to SHMTF forensic units increased by 32 percent in 2005 over a comparable period in 2004. This increase in demand on state forensic facilities has both policy and budget implications. Many of these individuals have chronic and serious mental illnesses that may respond to treatment relatively quickly but which require a long-term strategy involving ongoing care management, community supports, and other services to assist the person in achieving recovery and preventing recidivism. From a budget perspective, institutional care is the most costly option for the state. Forensic facilities have a daily bed cost between \$283 and \$336 per bed per day, (annualized cost

of \$103,295 to \$122,640 per bed per year). These programs are entirely funded through General Revenue.

PROJECT OBJECTIVE(S):

The objectives of this project are:

- To compare patterns of commitments to SMHTF forensic programs across counties to determine if identifiable patterns exist and to describe the reason for these patterns;
- To identify those communities that have been successful in reducing the number of forensic commitments to SMHTF and describe community-based programs or strategies that can be replicated in other areas of the state; and
- To make policy recommendations regarding the development of community-based services and programs that will divert individuals with serious mental illness from contact with the criminal justice system.

METHODOLOGY:

This project will use the following data collection and analysis methods:

- Literature review, including a review of similar programs in other states;
- Key informant interviews and surveys;
- Analysis of historical and demographic data;
- Analysis of community benchmark and indicator data; and
- Descriptive analysis of successful community forensic programs.

MANDATORY REVIEWS

INTERIM MANDATORY REVIEW TITLE:

Open Government Sunset Review of Section 383.51, F.S., Relating to Parental Identity

DATE DUE: October 1, 2006

PROJECT NUMBER: 2007-205

BACKGROUND and DESCRIPTION:

Section 383.51, F.S., exempts from public disclosure the identity of a parent who leaves a newborn infant at a hospital, emergency medical services station, or fire station in accordance with s. 383.50, F.S.

Section 383.50, F.S., provides a definition of “newborn infant.” It also authorizes medical personnel and firefighters to accept abandoned newborn infants and to provide emergency care for them. It provides that parents who leave their newborn infants at a fire station or a hospital emergency room and express the intent to leave the infant and not return have the absolute right to remain anonymous unless abuse or neglect of the infant is suspected or the parent seeks to reclaim the infant.

PROJECT OBJECTIVE(S):

Under s. 119.15, F.S., the Open Government Sunset Review Act, exemptions to s. 24, Art. I of the State Constitution are subject to repeal five years after their enactment unless reviewed and saved from repeal by the Legislature pursuant to the standards established in the act. The project objective is to review s. 383.51, F.S., to determine if it meets the standards established in the Open Government Sunset

Review Act and to recommend whether the exemption should be saved from repeal or permitted to sunset.

METHODOLOGY:

Staff will review the standards established in the Open Government Sunset Review Act, review relevant case law, contact the Departments of Health and Children and Family Services, and survey hospitals, emergency medical services stations, and fire fighters to determine whether the exemption should be retained, retained with amendments, or allowed to sunset.

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Implementation of Revisions to Chapter 393, F.S., and Impact on Services for Persons with Developmental Disabilities

DATE DUE: N/A

PROJECT NUMBER: 2007-304

BACKGROUND and DESCRIPTION:

House Bill 1503 (SB 2012) was enacted by the 2006 Legislature and made both technical and substantive changes to provisions in statute that relate to services to persons with developmental disabilities. Some of the changes conformed statutory provisions to the 2004 transfer of the Developmental Disability Program in the Department of Children and Family Services (DCF) to the newly created Agency for Persons with Disabilities (APD). Other changes reflect recommendations from APD and stakeholders because of changes in the financing and delivery of publicly funded developmental disability services. Issues that will be monitored include:

- Creation of a budget division and an operations division within the agency;
- The effect of language that limits the authority of the court to order developmental disability services provided by APD to children involved in dependency proceedings and the effect of a provision that gives these children on the waiting list priority for services;
- Development of rules by the agency for client application procedures and eligibility criteria, facility licensing procedures and standards, criteria for imposing fines, in-home subsidies, administration of medication, use of restraint and seclusion, and certification of behavior analysts;
- Implementation of language that clarifies that persons must be determined eligible for services by the agency to be involuntarily admitted to residential services;
- Deletion of the authorization for review of certain APD programs by statewide or local advocacy councils;

PROJECT OBJECTIVE(S):

To monitor the implementation of changes in policy, procedure, and practice that result from legislation enacted by the 2006 Legislature and determine the impact of these changes on service access, appropriateness, and consumer satisfaction.

METHODOLOGY:

Committee staff will review relevant documents and periodically meet with staff from the Department of Children and Family Services, the Agency for Health Care Administration, the State Courts, and the Agency for Persons with Disabilities to determine the status of implementation of the 2006 legislation and to identify any issues that arise related to these statutory changes. Whenever possible, committee staff will attend meetings, hearings, or other events relating to this program.

INTERIM MONITOR PROJECT TITLE:

Effect of the 2006-2007 Appropriations Act on the Waiting List for Services to Adults with Disabilities

DATE DUE: N/A

PROJECT NUMBER: 2007-305

BACKGROUND and DESCRIPTION:

The Home Care for Disabled Adults (HCDA) program provides case management and a small monthly subsidy to assist caretakers with providing in-home care to adults with disabilities. The Community Care for Disabled Adults (CCDA) program provides case management and many other services to enable disabled adults who are ineligible for the Aged or Disabled Adult Home and Community Based Services Medicaid Waiver (ADA Waiver) to live as independently as possible in their own homes. Services are similar to those provided by the ADA Waiver program which includes case management; homemaker services personal care; and chore and adult health care to low income adults ages 18 to 59 who are permanently disabled, are nursing-home eligible, and are generally ineligible for services from other state departments and programs.

Many individuals are referred to these programs because of adult protective investigations and are in need of on-going services and supports to ensure that abuse or neglect does not reoccur. However, because statewide waiting lists exist for all three programs, most individuals are placed on a waiting list, rather than in an in-home services program. Since persons on a waiting list are not receiving in-home services, placement in a nursing home at a young age is more likely. Services from these programs enable the person to live in his/her community and avoid nursing home placement or other institutional placement as long as possible, representing a tremendous cost savings to the state. Currently more than 3,500 disabled adults are seeking services from one of these programs and are on one of the Adult Protection program waiting lists. The 2006-2007 General Appropriations Act provided an additional \$4.7 million in funding to serve persons currently on the waiting list for home and community based waiver services.

PROJECT OBJECTIVE(S):

To monitor the impact of the increased funding provided in the 2006-2007 GAA on reducing the waiting list for ADA Waiver services.

METHODOLOGY:

Committee staff will ask for periodic waiting list status updates from DCF Adult Services Program staff. Staff will review relevant policy documents and will attend any workshops or meetings relevant to this issue.

INTERIM MONITOR PROJECT TITLE:

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

DATE DUE: N/A

PROJECT NUMBER: 2007-306

BACKGROUND and DESCRIPTION:

The Legislature created the Florida Substance Abuse and Mental Health Corporation, Inc., in 2003 to oversee the publicly funded substance abuse and mental health service delivery systems and to provide oversight and policy recommendations to the Legislature and the Governor regarding the systems. The corporation was directed cooperatively with the Department of Children and Family Services (DCF), the Agency for Health Care Administration (AHCA), and other agencies of state government to fully develop and integrate mental health and substance abuse systems.

The legislation authorizing the Corporation was revised and reauthorized by CS/SB 1286, passed by the 2006 Legislature. This legislation made modifications to the duties of the Corporation to focus the group's efforts on facilitating improved interagency coordination of substance abuse and mental health services in order to promote and support recovery and resiliency-based systems of care and to identify impediments to implementing these systems. The legislation also modified the requirements for consumer members of the Corporation, requiring that "primary consumers" be represented in the membership and defining "primary consumer." The Corporation was reauthorized through October 1, 2011.

PROJECT OBJECTIVE(S):

Ongoing monitoring of the impact of the Florida Substance Abuse and Mental Health Corporation, Inc., on the substance abuse and mental health service delivery systems and the effectiveness of the Corporation in improving interagency coordination, furthering transformation to a recovery and resiliency-based system of care, and assuring the inclusion of primary consumers in the policy making process.

METHODOLOGY:

Committee staff will attend as an observer meetings that are scheduled with staff and members of the Corporation, DCF and AHCA staff, and substance abuse and mental health consumer and provider representatives. Staff will review memoranda of understanding between the Corporation and various state agencies and will review recommendations made by the Corporation and the utilization of these recommendations by DCF and AHCA.

INTERIM MONITOR PROJECT TITLE:

Use of Psychotherapeutic Medication for Children

DATE DUE: N/A

PROJECT NUMBER: 2007-307

BACKGROUND and DESCRIPTION:

In 2004, the Department of Children and Family Services (DCF) studied the use of psychotropic medication with children in its custody and found that 13 percent of all children in state custody were receiving at least one psychotherapeutic medication. The study also revealed that 25 percent of the children living in a foster care setting were being treated with psychotherapeutic medications, a rate five times higher than that for the general population of Medicaid eligible children. In response to those findings, during the 2005 session, the Legislature passed SB 1090 (Chapter 2005-65, Laws of Florida), to require that DCF ensure children have a medical evaluation and that express and informed consent for treatment of a dependent child is obtained from a parent, guardian, or the court prior to the administration of psychotherapeutic drugs, except under specified conditions.

To comply with the provisions of ch. 2005-65, L.O.F., DCF has:

- revised policy and administrative rules to ensure that children have appropriate medical evaluations, that a medication treatment plan is developed, and that child welfare workers and attorneys are trained on requirements of the law;
- instituted mandatory pre-consent reviews of children under the age of five for whom medication is recommended;
- revised the HomeSafenet database to include a medication data entry screen;
- developed a guidebook for families on use of psychotherapeutic medication with children; and
- provided feedback to practitioners when medication practices exceed certain parameters through the Med Consult Line at the University of Florida.

Both DCF and the Agency for Health Care Administration (AHCA) are continuing to monitor the use of psychotherapeutic medications in children in the custody of the state through a contract with the Florida Mental Health Institute (FMHI) and Comprehensive NeuroScience (CNS). The Secretary of AHCA has modified the contract to include all children enrolled in the Medicaid Program. This will allow comparison and monitoring of the use of psychotherapeutic medications for children in these two populations.

PROJECT OBJECTIVE(S):

To continue to monitor the measures DCF has taken to track the utilization of psychotherapeutic medication for children in state custody and the impact of these measures on assuring that these medications are used in a manner consistent with best practices.

METHODOLOGY:

Committee staff will review relevant documents and meet with staff from DCF, AHCA, FMHI, and CNS to determine the status of these initiatives and determine their impact on the use of psychotherapeutic medications. Committee staff will attend and observe meetings convened relating to these initiatives.

INTERIM MONITOR PROJECT TITLE:

State Agency Rules Relating to the Use of Restraint and Seclusion for Persons with Mental Illnesses and Developmental Disabilities

DATE DUE: N/A

PROJECT NUMBER: 2007-308

BACKGROUND and DESCRIPTION:

In spite of substantial progress in the disability field and the advent of effective interventions for challenging behaviors that may be present in persons with mental illness or developmental disabilities, the use of restraint and seclusion continues. During the last 20 years there has been increasing recognition of the danger that use of these procedures presents to clients subjected to them and the staff who must apply them. More recently, there has been a focus on the re-traumatizing effect of using these procedures on persons who may have a history of abuse or other significant trauma as well as the trauma-inducing effects of the procedures themselves. According to data submitted to the Center for Medicare and Medicaid Services, in 2003-2004 Florida had the highest per capita death rate related to the use of restraint and seclusion in the U.S.

The 2006 Legislature enacted changes to chapters 393, 394, 400, and 916, F.S., defining the terms “restraint” and “seclusion” and expressing legislative intent to reduce their use. The legislation also requires that the Agency for Persons with Disabilities (APD), the Department of Children and Families (DCF), and the Agency for Health Care Administration (AHCA) develop rules regarding the use of these procedures in facilities and programs serving persons with mental illnesses or developmental disabilities. The rules must establish restraint and seclusion policies and procedures that are consistent with recognized best practices and must establish data collection and reporting standards.

PROJECT OBJECTIVE(S):

To monitor the rule development process, training activities, and policy development process to determine if the implementation of this legislation will encourage the collection of reliable data on the use of restraint and seclusion and encourage the use of alternatives to these procedures.

METHODOLOGY:

Committee staff will attend meetings and hearings relating to the rule development process and review relevant policy documents. Staff will periodically meet with staff from the DCF, AHCA, APD, the Advocacy Center for Persons with Disabilities, Inc., and other constituency groups to identify implementation issues.

INTERIM MONITOR PROJECT TITLE:

The Sexually Violent Predator Program and the Selection of a Vendor to Operate the Program

DATE DUE: N/A

PROJECT NUMBER: 2007-309

BACKGROUND and DESCRIPTION:

The Florida Civil Commitment Center (FCCC) in Arcadia is the location of the Sexually Violent Predator Program (SVPP). The facility has the capacity to treat 580 sex offenders who have finished their prison sentences but are deemed too dangerous to release. These offenders are held for “care and treatment” under the provisions of ch. 394, Part V, F.S., (Involuntary Civil Commitment of Sexually Violent Predators). Under the provisions of this act, individuals who meet the criteria for “sexual predator” may be civilly committed and confined until they are no longer a danger to society. As of March 27, 2006, the facility had 539 residents who had served their prison sentences for violent sexual crimes. Three hundred twenty-seven (327) of the current resident population is detained (waiting for trial) and 212 are committed under ch. 394, Part V, F.S., for treatment. The individuals who are currently detained pending trial are sometimes held for several years before their trials occur. The date of the court proceedings is controlled by the judicial system. Since the inception of the program, 806 individuals have waited between 0 and 2,600 days until their trials. Over time, the facility has also received approximately 60 residents who, in addition to a mental abnormality that makes them likely to commit future sexual offenses, also suffer from traditional mental illnesses such as schizophrenia. The number of these dually diagnosed residents increases as the total FCCC population increases.

Since 1999, the Department of Children and Family Services (DCF) has contracted with Liberty Behavioral Healthcare to operate the SVPP program. Due to a number of concerns regarding the operation of this program, the department has had to require immediate corrective action by the vendor on several occasions. Pursuant to authorization provided in SB 1476 (Chapter 2005-222, Laws of Florida), passed during the 2005 legislative session and a 2005 appropriation of \$2.8 million to provide additional security and treatment staff for the SVPP program, DCF issued an RFP in June 2005 for a contract to establish and operate a new facility. Although the District Court of Appeals stayed the procurement process for several months because of a contract specification protest by Liberty, DCF is now proceeding with the procurement.

In addition, the 2006 Legislature enacted HB 5021, which limits the number of days a continuance can be granted in a trial adjudicating a person as a sexually violent predator to 120 days. Program staff and court personnel frequently mentioned the granting of numerous lengthy continuances as a contributing factor to the length of stay in the FCCC by some individuals.

PROJECT OBJECTIVE(S):

To monitor the procurement of a new vendor, the implementation of contractual and programmatic changes, and the effect of legislative changes to the continuance process on the functioning and census of the SVPP.

METHODOLOGY:

Committee staff will review action plans, procurement documents, contracts, reports, data, and other information relevant to the SVPP and will attend meetings with representatives of DCF, the program vendor, and other stakeholders.

INTERIM MONITOR PROJECT TITLE:

Transformation of the Substance Abuse and Mental Health Service Delivery System to a Recovery and Resiliency-Focused System of Care

DATE DUE: N/A

PROJECT NUMBER: 2007-310

BACKGROUND and DESCRIPTION:

In 2005, the Department of Children and Families (DCF) applied for a federal grant to support funding for “transformation” of the mental health service delivery system. The grant was a result of the President’s New Freedom Commission on Mental Health which called for a fundamental transformation of how mental health care is delivered in the United States. This transformation focuses on the principles of recovery and resiliency and is provided through a system that is consumer and family centered, “geared to give consumers real and meaningful choices about treatment options and providers – not oriented to the requirements of bureaucracies.” Although Florida was not one of the states selected for funding in the first round of grantees, the Secretary of DCF has committed to the concept of a recovery and resiliency-based system and to the goal of transforming the state’s substance abuse and mental health system. Under the auspices of the Florida Substance Abuse and Mental Health Corporation, (s. 394.655, (3)(a), F.S.), a Transformation Working Group (TWG) has been convened with representation from DCF and other executive branch agencies.

PROJECT OBJECTIVE(S):

To monitor progress of DCF and other partner agencies toward the transformation of the substance abuse and mental health service delivery system to a recovery and resiliency-based system.

METHODOLOGY:

Committee staff will attend TWG meetings, review meeting notes and policy documents, and meet periodically with staff of DCF, the SAMH Corporation, and other relevant stakeholders in the transformation process.

INTERIM MONITOR PROJECT TITLE:

Child Welfare Legal Services in the Department of Children and Families

DATE DUE: N/A

PROJECT NUMBER: 2007-311

BACKGROUND and DESCRIPTION:

In 1989, the Florida Supreme Court ruled that adequate legal representation was required for the Department of Health and Rehabilitative Services (now the Department of Children and Families or DCF) at every state of dependency proceeding. In response, the Legislature appropriated funds and DCF hired lawyers in each district of the state. In 1997, the Legislature established pilot programs with the Office of the Attorney General and with state attorneys to deliver legal services in parts of the state through these entities. In FY 2005-2006, DCF had positions for 251 attorneys to deliver child welfare

legal services (CWLS); the Attorney General had 68 and the state attorneys had 26. The total budget for the CWLS function for that year was \$39.8 million.

In January 2004, the Office of Program Policy Analysis and Government Accountability (OPPAGA) studied the CWLS function and issued its report, *Child Welfare Legal Services Should be Provided by DCF or Private Law Firms* (04-05). In concluding that, among other things, community-based care lead agencies could not be given the responsibility for the CWLS function, OPPAGA relied heavily on the Florida Bar Rules for Professional Conduct. In September 2005, OPPAGA issued a follow-up report, *Child Welfare Legal Services Makes Some Improvements, But Other Changes Needed*. This report identified continued needs for improvement in the delivery of CWLS.

During the 2006 legislative session, as part of the proposal for increased autonomy for CBC lead agencies in Broward, Miami-Dade, and Monroe counties, representatives of these lead agencies sought transfer of the CWLS function to their agencies. While this attempt was unsuccessful, the issue of the proper placement and role of CWLS in the evolving community-based care environment has not been resolved.

PROJECT OBJECTIVE(S):

To monitor the activities of DCF, the community-based lead agencies, the Florida Bar, and the Florida Supreme Court in addressing the placement and role of CWLS since child welfare social services have been fully outsourced.

METHODOLOGY:

Meet with representatives of DCF, the community-based lead agencies, the Florida Bar, and other stakeholders, and review relevant documents, statutes and case law.

INTERIM MONITOR PROJECT TITLE:

Interstate Compact on the Placement of Children

DATE DUE: N/A

PROJECT NUMBER: 2007-312

BACKGROUND and DESCRIPTION:

Section 409.401, F.S., sets forth Florida's law implementing the Interstate Compact on the Placement of Children (ICPC). The ICPC is the mechanism by which agencies wanting to make interstate placements of dependent children can obtain evaluations of proposed resources and progress reports after the child is placed in the other state. It is statutory law in all states, US Virgin Islands and D.C.

The Florida ICPC Office is the central point of contact for all ICPC matters in our state. The office reviews all home study requests; gathers additionally needed documents; enters cases in a stand-alone database; forwards reviews, completed studies and other documents to appropriate parties to make final placement decisions; and resolves violations and placement disruptions.

Several problems have been identified in the ICPC process. While the Articles are identical in every state, individual state laws regarding placement of children create conflict. States generally do not have

sufficient staff and technological resources to timely address the volume of ICPC cases. To add to the problems, the statutory language has not been revised since it was created more than 40 years ago. Florida's version of the ICPC was first enacted in 1974 and has been amended only once, in 1997. Judges, administrators, and family members have repeatedly expressed frustration with the delays resulting from interstate disputes and lack of prioritization of ICPC cases. These delays adversely affect attaining permanency for affected children in foster care.

During the last two years, the American Public Human Services Association and the Association of Administrators of ICPC have joined together, along with about 30 other stakeholders, to reform the ICPC. Committees were created around specific topics, surveys conducted and several drafts of proposed legislation have been circulated. A final draft has now been provided to the states to begin the legislative process. The Department of Children and Families supports the compact reformation and plans to introduce it in the 2007 session. Once the 35th state enacts it, national administrators will begin the rulemaking process, where the operational issues of most concern will be addressed.

PROJECT OBJECTIVE(S):

To monitor the progress of the proposals for ICPC reform.

METHODOLOGY:

Review documents, discussions with stakeholders.

INTERIM MONITOR PROJECT TITLE:

Medical Coverage for Former Foster Children

DATE DUE: N/A

PROJECT NUMBER: 2007-313

BACKGROUND and DESCRIPTION:

Obtaining adequate health care coverage is one of the biggest challenges for foster children transitioning to adulthood. Any child in Florida who has not reached 19 years of age whose family income is equal to or below 200 percent of the federal poverty level is eligible for the Florida KidCare program. The Florida KidCare program includes health benefits coverage provided to children through Medicaid, Medikids, Florida Healthy Kids, employer-sponsored group health insurance plans, and Children's Medical Services network. In the 2005 legislative session, s. 409.1451(9), F.S., was amended to direct the Department of Children and Families (DCF) to enroll eligible young adults in the KidCare program. Due to the low to non-existent enrollment in the KidCare program by this population this section was amended during the 2006 legislative session to provide instead for Medicaid coverage for qualifying former foster children to age 20.

PROJECT OBJECTIVE(S):

To monitor the attempts to enroll former foster children in Medicaid programs and the utilization of the program by these young adults.

METHODOLOGY:

Review documents provided by DCF, the community-based care lead agencies, and the Agency for Health Care Administration and meet with staff of these agencies.

INTERIM MONITOR PROJECT TITLE:

Continuing Community-Based Care Evolution and the Our Kids/ChildNet Pilot

DATE DUE: N/A

PROJECT NUMBER: 2007-314

BACKGROUND and DESCRIPTION:

In 1996, the Legislature mandated that the Department of Children and Families (the department or DCF) establish pilot programs to “privatize” child protection services through contracts with community-based agencies. Through a series of statutory and appropriations provisions, the transition to community-based care, provided by lead agencies, is now complete. As of April 2005, the department had entered into 22 services contracts with 20 lead agencies that provide child protective services in the state’s 67 counties. As reported by the Office of Program Policy Analysis and Government Accountability (OPPAGA), the lead agencies generally subcontract with a wide range of providers for direct care services including case management, foster care placements, and substance abuse and mental health services. As of December 2005, the lead agencies held 500 subcontracts, including 64 subcontracts with case management organizations.

The contracts between DCF and the lead agencies are individually negotiated to set forth service delivery expectations, performance standards, and payment methodology. The contracts contain performance standards established by the Legislature as well as those required to qualify for federal funding. All the contracts, with the exception of the contract with Our Kids, the community-based care lead agency in Miami-Dade and Monroe counties, provide for payments based on cost reimbursement. The contract with Our Kids is a fixed payment contract, but it still requires a full accounting of expenditures in order to qualify for federal funds. The contract with Our Kids includes a provision which allows for an increase in funding if the population of children served exceeds 103 percent of the children served on June 15, 2005. This provision is not contained in other contracts.

Section 409.1671(4) (a), F.S., requires that the department submit annual reports to the Legislature and the Governor no later than January 31 of each year, for each project in operation during the preceding fiscal year. The reports must provide details for quality performance, outcome measures attainment and cost efficiency. These reports are currently prepared by the Florida Mental Health Institute of the University of South Florida.

Our Kids is the most recent lead agency to assume responsibility for foster care and related services. This contract became effective July 1, 2005. Its allocation for FY 2005-2006 was \$71,673,117. The allocation for ChildNet, the community-based care lead agency for Broward County, was for \$64,280,001. According to DCF, the state average budget per child for FY 2005-2006 is \$11,050. The average annual budget for Our Kids is \$13,132 per child, and that for ChildNet was \$16,293 per child. ChildNet is the second-highest funded community-based care (CBC) in the state in terms of its per-child allocation, following Community-based Care of Seminole County at \$17,250.

The Office of Program Policy Analysis and Government Accountability (OPPAGA) has conducted a series of evaluations of the lead agencies and of the department’s ability to monitor for lead agency quality assurance. In a report issued in January 2006, OPPAGA recommended that, in order to resolve

critical weaknesses in the department's oversight of CBC lead agencies and their subcontractors, the department needs to:

- Establish a strong training program for its contract monitoring staff;
- Successfully implement the long-delayed HomeSafenet information system and a lead agency viability monitoring system;
- Develop additional ways to ensure that lead agencies comply with contract provisions;
- Develop a certification process to ensure that lead agencies are willing and have the capability to assume additional quality assurance monitoring responsibilities; and
- Provide additional written guidance and training to department zone and lead agency quality assurance staff to assist with the transfer of additional quality assurance responsibilities to lead agencies.

In the same report, OPPAGA, recognizing that the state retains custody of the children in foster care and remains responsible for the care they are provided, asserted that "it is critical that the department have an effective system to monitor the community-based providers that are serving these children." It found that the department lacks sufficient processes and systems to effectively oversee the community-based care system and further found that the monitoring of subcontractors by lead agencies was insufficient.

On the other hand, preliminary results from the ongoing evaluation of the community-based care initiative by the University of South Florida "offer the first indication that CBC has impacted child-level outcomes in a positive direction." This evaluation contained no information regarding Our Kids, since its implementation was too recent. Previous studies by the same evaluator have concluded that most CBC lead agencies struggle in the first year or more after implementation. The complexity of the responsibilities assigned to CBC lead agencies, both programmatically and fiscally, are such that each of them has struggled, at least initially, and a few have not survived. Since Florida is the only state to have attempted the outsourcing of its child welfare services to the extent that it has, there is no role model to guide implementation.

During the 2006 session, the Legislature established a 3-year pilot program for the community-based care lead agencies serving Miami-Dade, Monroe, and Broward counties. The pilot allows for the transfer of much of the department's current responsibilities for lead agency oversight to independent entities. It also provides for funding of the pilot program through a grant.

PROJECT OBJECTIVE(S):

To monitor the implementation of the Miami-Dade, Monroe, and Broward county pilot and the continued development of the other CBC lead agencies.

METHODOLOGY:

Review contracts between CBC lead agencies and DCF, meet with CBC representatives and other stakeholders, including DCF officials, and review relevant documents, including performance data and evaluations.

INTERIM MONITOR PROJECT TITLE:

Technology Developments Relating to Child Welfare at the Department of Children and Families

DATE DUE: N/A

PROJECT NUMBER: 2007-315

BACKGROUND and DESCRIPTION:

The Department of Children and Families (DCF) has struggled for years to complete the development of its Statewide Automated Child Welfare Information System (SACWIS). During 2005, a new contract was awarded for the completion of the system. The new vendor promised major steps during FY 2005-2006.

At the same time, DCF lawyers are adopting the use of the automation system of the Office of the Attorney General for case management purposes since the court modules of the SACWIS system have not yet been developed. Additionally, the court system is developing an information system for child welfare court cases which may become available to DCF lawyers.

Meanwhile, several of the community-based care lead agencies have developed their own information systems overlay to SACWIS, again largely in response to the delays and inefficiencies in the current SACWIS system.

Finally, the 2006 Legislature appropriated \$200,000 for a pilot project in Broward and Hillsborough counties to test the ePassport, a technology program which may make available to foster children and foster parents the information from the SACWIS system and other sources. This pilot program will be implemented beginning in July 2006.

PROJECT OBJECTIVE(S):

To monitor the development and integration of the various technological systems being developed in the child welfare arena of DCF.

METHODOLOGY:

Meet with DCF staff and review documents. Attend demonstrations of the various technological devices and systems as they are developed.

Commerce and Consumer Services

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Review of Public Records Exemptions Relating to Economic Development Agencies

DATE DUE: October 1, 2006

PROJECT NUMBER: 2007-103

BACKGROUND and DESCRIPTION:

Currently, there are two general public records exemptions related to economic development.

Section 288.075, F.S., provides that certain business records are confidential and exempt from public records law when held by an economic development agency. Specifically, business plans, intentions, and interests to locate, relocate, or expand in Florida are confidential and exempt for 24 months. The period of confidentiality may be extended for an additional 12 months if the business demonstrates that it is continuing to consider locating, relocating, or expanding in Florida. Trade secrets within such business plans, intentions, and interests are confidential and exempt for ten years.

This exemption was set to expire on October 2, 2006, however, during the 2006 Regular Session, House Bill 7017 was passed to re-enact the exemption. In addition, the exemption was amended to:

- Narrow the initial exemption period from 24-months to 12-months, while retaining the 12-month extension option;
- Reorganize the provision for ease of understanding; and
- Remove review and repeal provisions required by the Open Government Sunset Review Act.

Information emerged during the 2006 session which suggests that this exemption may warrant further review. First, because of the broad nature of the exemption for business “plans, intentions, and interests,” it remains unclear as to what specific documents are held confidential, and which documents need to be held confidential and for what period of time. Second, it is not clear why trade secrets are exempt for ten years in this particular exemption; generally, trade secrets are held confidential indefinitely.

Section 288.1067, F.S., provides that certain information received and held by the Office of Tourism, Trade and Economic Development (OTTED), Enterprise Florida, Inc.(EFI), or county or municipal governmental entities and their employees or agents pursuant to business responses to incentive programs, is confidential and exempt from public records law. The information that is specifically exempted includes:

- Employer identification numbers, unemployment compensation account numbers, and Florida sales tax registration numbers;
- Trade secret information as defined in s. 812.081, F.S.;
- The percentage of non-state sales and the percentage of gross receipts from certain Department of Defense contracts;
- Anticipated wages for new jobs to be created;

- The average wage paid by the business for new jobs created, detailed proprietary business information or employee personal identifying information used to demonstrate wage and job creation requirement;
- Proprietary business information regarding capital investment in certain circumstances; and
- The amount of Florida taxes paid.

This exemption relates to the following incentive programs:

- Capital Investment Tax Credit program, s. 220.191, F.S.;
- Qualified Defense Contractor (QDC) tax refund program, s. 288.1045, F.S.;
- Qualified Target Industry (QTI) tax refund program, s. 288.106, F.S.;
- High Impact Performance Incentive (HIPI) grants program, s. 288.108, F.S.; and
- Quick Action Closing Fund, s. 288.1088, F.S.

During the 2006 Regular Session, House Bill 1285 expanded this exemption to include the newly created Innovation Incentive Program, created in Senate Bill 2728. The purpose of the Innovation Incentive Program is to provide resources for significant economic development projects, including the location or expansion of research and development entities and innovation businesses in Florida.

The public records exemption codified in s. 288.1067, F.S., was scheduled for review under the Open Government Sunset Review Act during the 2006-2007 interim. However, when the exemption was expanded during the 2006 Regular Session, the expiration date of the exemption was extended, from October 2, 2007, to October 2, 2011.

Although the review of this public records exemption is no longer mandatory, it may be beneficial to evaluate this exemption in conjunction with the evaluation of the exemption codified in s. 288.075, F.S. Both of these exemptions relate to economic development projects and economic development agencies, and it is likely that a single project or business may have records that are confidential under both exemptions. Section 288.075, F.S., provides confidentiality of records in the planning stages of economic development projects, while s. 288.1067, F.S., provides confidentiality of records while a project or business is participating in an incentive program. This project will review the period of confidentiality of these records.

PROJECT OBJECTIVE(S):

The objective of this project is to further evaluate the public records exemption relating to business plans, intentions, and interests held by economic development agencies; specifically, to determine what documents are held confidential, what documents need to be held confidential, and for what period of time such documents should be held confidential. In addition, this project will review the period of confidentiality of public records relating to incentive program information held by economic development agencies.

METHODOLOGY:

The review of these public records exemptions will be conducted in cooperation with staff of the Senate Governmental Oversight and Productivity Committee through communication with economic development agencies.

INTERIM PROJECT TITLE:

Survey of Resources for Minority-Owned Small Business Development

DATE DUE: October 1, 2006

PROJECT NUMBER: 2007-104

BACKGROUND and DESCRIPTION:

Throughout the state, there are a number of public and private organizations that provide technical and financial assistance to, and facilitate contract opportunities for small businesses. These entities include the U.S. Small Business Administration; Enterprise Florida, regional and local economic development entities; statewide and local Chambers of Commerce; Community Development Corporations; and technical assistance networks, such as the Florida Small Business Development Center Network.

Many of these organizations also provide targeted services to minority-owned businesses.

Over the past two decades, the state of Florida has used a number of strategies to promote black-owned small business economic development. One strategy was the creation of the Florida Black Business Investment Board (FBBIB), the goal of which was to:

- establish a partnership between the public and private sector to leverage state funds with resources from the private sector;
- provide role models and establish business networks for aspiring black entrepreneurs;
- increase the number of qualified black businesses; and
- take measures to increase access of black businesses to both debt and equity capital.

Since 1985, state funding to promote black-business development was appropriated to the FBBIB, which then contracted with the regional Black Business Investment Corporations (BBICs) to provide loans or loan guarantees to qualified black businesses.

This past session the Legislature did not provide funding for FBBIB operations or capitalization funds for black-owned businesses. Instead, the Legislature directed the Office of Program Policy Analysis and Government Accountability and the Office of the Auditor General to jointly review the program. If the review indicates that any future state investment should not be made through the FBBIB (if it continues to exist absent state operational funding) and regional BBICs, it may be useful to identify alternative strategies for such investments.

PROJECT OBJECTIVE(S):

Identify resources for minority-owned small business development and identify alternative strategies for the use of state funds to promote or assist such businesses.

METHODOLOGY:

Review programs which assist or promote black-owned or other minority-owned business development that are offered through public and private economic development organizations in the state.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

The Florida Government Accountability Act Review of the Department of Agriculture and Consumer Services

DATE DUE: N/A

PROJECT NUMBER: 2007-316

BACKGROUND and DESCRIPTION:

In 2006, the Legislature created the Florida Government Accountability Act to create a “sunset” review process for state agencies. The act provides a schedule to abolish state agencies unless a continuation of the entity is recommended. The Department of Agriculture and Consumer Services is scheduled for review in 2008.

PROJECT OBJECTIVE(S):

Monitor implementation of the act and the required review of the Department of Agriculture and Consumer Services.

METHODOLOGY:

Staff will communicate with the advisory committee, the Office of the Auditor General, the Office of Program Policy Analysis and Government Accountability, and the Department of Agriculture and Consumer Services.

INTERIM MONITOR PROJECT TITLE:

Innovation Incentive Program

DATE DUE: N/A

PROJECT NUMBER: 2007-317

BACKGROUND and DESCRIPTION:

During the 2006 Regular Session, Senate Bill 2728 was passed to create the Innovation Incentive Program. The purpose of the program is to provide resources for significant economic development projects, including the location or expansion of research and development entities and innovation businesses in Florida.

This bill appropriates \$200 million from the General Revenue Fund to the Economic Development Trust Fund within the Office of Tourism, Trade, and Economic Development (OTTED) for the Innovation Incentive Program for fiscal year 2006-07. These funds will be placed in reserve by the Executive Office of the Governor to be released by the Legislative Budget Commission as needed to

implement the program. Funds not expended in fiscal year 2006-07, will be subject to annual appropriation.

This bill requires Enterprise Florida, Inc. (EFI) to evaluate applications for innovation incentive funds and to recommend eligible businesses to OTTED. OTTED must certify the applicants as qualified businesses, and then recommend qualified businesses to the Governor for approval. The Governor is required to consult with the Legislature and prior to approving innovation incentive funds for qualified businesses. The Legislative Budget Commission must approve the release of all funds for the program.

The Innovation Incentive Program is set to expire July 1, 2011.

PROJECT OBJECTIVE(S):

The objective of this project is to monitor the establishment and implementation of the Innovation Incentive Program.

METHODOLOGY:

Communicate with OTTED and EFI to monitor the implementation of the program and to report on the businesses or projects that receive funds from the program.

INTERIM MONITOR PROJECT TITLE:

Scripps Florida

DATE DUE: N/A

PROJECT NUMBER: 2007-318

BACKGROUND and DESCRIPTION:

During Special Session E in 2003, the Legislature provided for the creation of the Scripps Florida Funding Corporation, which is responsible for contracting with The Scripps Research Institute (TSRI) to establish a state-of-the-art biomedical research institute and campus in this state. The funding for the contract is provided by \$310 million of the \$543.5 million in federal economic stimulus funds provided to Florida under the Jobs and Growth Tax Reconciliation Act of 2003. The Scripps Research Institute must reinvest \$155 to \$200 million to the Biomedical Research Trust Fund from a portion of its revenues generated from royalties and naming rights.

In January 2004, the funding corporation, which has a funding agreement with the Governor's Office of Tourism, Trade, and Economic Development (OTTED), contracted with TSRI. TSRI entered a contract with Palm Beach County, naming Mecca Farms as the site for Scripps Florida.

In September of 2005, shortly after groundbreaking at Mecca Farms, a Federal Court Judge ruled that the development permit for 535 acres of the Mecca site was issued in violation of Federal Environmental Law. The court ordered an environmental impact study of the entire 1,900 acre area, which was estimated to take two years.

Instead of waiting for the new environmental study of the Mecca site, Scripps and Palm Beach County choose an alternative development site. In February 2006, the county voted to locate Scripps 100-acre campus in Jupiter - on 30 acres at Florida Atlantic University and 70 acres across the street on

the Briger tract. In April 2006, Scripps and Palm Beach County entered into a new contract, which names the Jupiter site as the site for the Scripps Florida campus, and establishes similar job creation requirements for Scripps Florida.

PROJECT OBJECTIVE(S):

The objective of this project is to monitor the continued implementation of the legislation providing financial support and oversight for the establishment of a biomedical institute and campus in Florida by the Scripps Research Institute, to identify any impediments to implementation or other issues that may require legislative action.

METHODOLOGY:

Communicate with OTTED, the Scripps Florida Funding Corporation, and the Scripps Research Institute, and Palm Beach County in order to monitor the progress of Scripps Florida relating to construction and job creation.

INTERIM MONITOR PROJECT TITLE:

Space Florida

DATE DUE: N/A

PROJECT NUMBER: 2007-319

BACKGROUND and DESCRIPTION:

During the 2006 Regular Session, HB 1489 was passed to implement the recommendations of the Governor's Commission on the Future of Space and Aeronautics in Florida.

This bill consolidates the powers, duties, and assets of the Florida Space Authority (FSA), the Florida Space Research Institute (FSRI), and the Florida Aerospace Finance Corporation (FAFC) into one entity, "Space Florida." The bill requires Space Florida to enter into agreements with Enterprise Florida, Inc. (EFI), the Department of Education (DOE), the Department of Transportation (DOT), and Workforce Florida, Inc., to implement the requirements of the bill. In addition, the bill creates the Florida Center for Mathematics and Science Research, to increase student achievement in math and science.

This bill appropriates, for fiscal year 2006-07, \$35 million from the General Revenue Fund to the Office of Tourism, Trade and Economic Development to be used for infrastructure needs related to NASA's Crew Exploration Vehicle (CEV). This bill also appropriates general revenue funds for Space Florida's operations and for implementation of innovative education programs and aerospace business development projects.

PROJECT OBJECTIVE(S):

The objective of this project is to monitor the implementation of HB 1489 and the dissolution of FSA, FSRI, and FAFC, and activities related to NASA's CEV program.

METHODOLOGY:

Communicate with staff of OTTED and Space Florida, and review materials related to the dissolution of FSA, FSRI, and FAFC, the creation of Space Florida, and activities related to NASA's CEV program.

INTERIM MONITOR PROJECT TITLE:
Implementation of Florida Rebuilds

DATE DUE: N/A

PROJECT NUMBER: 2007-320

BACKGROUND and DESCRIPTION:

In December 2005, Lieutenant Governor Toni Jennings announced the creation of *Florida reBuilds*, a construction training program designed to counter the shortage of construction workers and assist Florida in recovery from its recent hurricanes. According to a December 13, 2005 press release by the Agency for Workforce Innovation (AWI), a job survey conducted by the agency prior to the Lt. Governor's announcement showed that there were 13,712 vacancies in the construction field with pay averaging \$14.79 per hour. *Florida reBuilds* seeks to train workers to fill these vacancies.

During the 2006 Legislative Session, \$12 million was appropriated from general revenue funds for 2006-2007 to support this initiative. The program will provide short-term, entry-level training for up to 4,000 individuals statewide, enabling them to enter into the construction trades with emphasis on the attainment of an industry-recognized credential. Areas of the training will include roofing, masonry, carpentry, concrete finishers, plumbing, HVAC (heating, ventilation and air conditioning), electricity, and heavy equipment operations. Advanced training will also be provided to up to 1,000 existing workers to allow them to acquire additional skills and certifications.

PROJECT OBJECTIVE(S):

Monitor the impact this initiative has on increasing the numbers of skilled construction workers in Florida.

METHODOLOGY:

Staff will review program material and interview AWI representatives to determine the numbers of potential workers who have been recruited and the number of trainees who have secured construction jobs.

INTERIM MONITOR PROJECT TITLE:
State Minimum Wage Law Implementation

DATE DUE: N/A

PROJECT NUMBER: 2007-321

BACKGROUND and DESCRIPTION:

Ch. 2005-353, L.O.F., created the Florida Minimum Wage Act, which implemented the provisions of s. 24, Art. X of the State Constitution. This law preserved the constitutional provisions and added new provisions to do the following:

- Require the Agency for Workforce Innovation (AWI) and the Department of Revenue (DOR) to publish the annually updated minimum wage on their respective websites;
- Require employees to first notify employers before initiating a civil action to enforce their right to receive the state minimum wage;

- Allow employers 15 calendar days to resolve any claims for the unpaid wages before a suit may be filed;
- Limit the damages awarded to employees to only unpaid wages if the court determines the employer acted in good faith and had reasonable grounds for believing that his/her action was not in violation of the constitution;
- Restrict the court from awarding punitive damages;
- Impose restrictions on class action suits;
- Limit eligibility for the minimum wage to workers who are currently entitled to receive the federal minimum wage under the Federal Fair Labor Standards Act (FLSA) and its associated implementing regulations; and
- Provide that the exemptions outlined in ss. 213 and 214 of FLSA, related to persons with disabilities and other specific categories of workers, are incorporated into the act by reference.

During the 2006 Legislative Session, the Legislature passed CS/CS/SB 786 which requires each employer who must pay an employee the Florida minimum wage to display a poster in a conspicuous and accessible place in every establishment where employees are employed. The bill requires AWI to create the required posters in English and in Spanish and make them available to employers on or before December 1 of each year. Each poster must contain specific language outlining the restrictions on employers, the rights of employees, and the penalties for non-compliance with Florida's minimum wage law. The bill also provides formatting, font and size requirements for the posters.

PROJECT OBJECTIVE(S):

To monitor the implementation of the State Minimum Wage law, ch. 2005-353, L.O.F. (SB 18-B) and ch. 2006-84, L.O.F. (SB 786), by AWI and DOR to identify any implementation problems which may require legislative action.

METHODOLOGY:

Review related materials and interview agency staff to identify implementation issues that may require legislative action.

INTERIM MONITOR PROJECT TITLE:

Effect of Changes to Florida's Ticket Scalping Law

DATE DUE: N/A

PROJECT NUMBER: 2007-322

BACKGROUND and DESCRIPTION:

During the 2006 Legislative Session, the Legislature passed CS/HB 6003 to substantially modify Florida's ticket scalping law. The bill creates s. 817.357, F.S., to establish a Florida Deceptive and Unfair Trade Practices Act (FDUTPA) violation for anyone who knowingly buys tickets, with the intent to resell those tickets, in excess of retail caps placed on the quantity of tickets that may be purchased.

The bill, like current law, prohibits the resale of tickets for more than \$1.00 above the admissions price, but limits the application of that restriction to the following transactions:

- tickets sold for passage or accommodation on any common carrier;

- multi-day or multi-event tickets to a park or entertainment complex or to a concert, entertainment event, permanent exhibition, or recreational activity within such a park or complex, including an entertainment/resort complex; and
- tickets sold through an internet website unless authorized by the original ticket seller or one that makes and posts certain guarantees and disclosures.

The bill also prohibits the resale of tickets on property where an event is taking place without the express written consent of the property owner.

The bill requires that any sales tax due for resale's be remitted to the Department of Revenue.

PROJECT OBJECTIVE(S):

Monitor the impact this law has on ticket resale's and identify any unintended consequences resulting from this legislation, or any issues that may require legislative action.

METHODOLOGY:

Staff will review media activity and interview entities affected by this law.

Communications and Public Utilities

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Review of Competition and Regulation of Cable and Video Programming Services

DATE DUE: November 1, 2006

PROJECT NUMBER: 2007-105

BACKGROUND and DESCRIPTION:

Cable services are regulated at the federal level and locally through franchise agreements. Video programming services are also emerging as technology advances. In early 2006, bills were filed in Congress that seek deregulation of these services. Moreover, some states have eliminated local government oversight, instead issuing statewide franchises.

Meanwhile, technology has developed and continues to develop to change the entire landscape of communications services. The direction of technology development should be explored, current regulations and trends in competition should be reviewed, and how the customer is best protected should be considered.

PROJECT OBJECTIVE(S):

The objective of this project is to identify and determine which issues are relevant to cable service and video programming and the evolving communications market and to recommend any needed statutory changes.

METHODOLOGY:

As needed, staff will review relevant law, monitor relevant federal legislation and legislation of other states, and collect data from and conduct interviews with service providers, affected parties, or others pertaining to this project by phone, electronic mail, or in person.

MANDATORY REVIEWS

INTERIM MANDATORY REVIEW TITLE:

Open Government Sunset Review of Section 166.236, F.S., Audits by Taxing Authorities; Confidential Information

DATE DUE: October 1, 2006

PROJECT NUMBER: 2007-206

BACKGROUND and DESCRIPTION:

Section 166.236(1), F.S., exempts from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution any information received by a taxing authority or its agent in connection with an audit of a telecommunications service provider conducted under s. 166.234, F.S., and provides that the information is confidential.

PROJECT OBJECTIVE(S):

Under s. 119.15, F.S., the Open Government Sunset Review Act, exemptions to s. 24, Art. I of the State Constitution, are subject to repeal five years after their enactment unless reviewed and saved from repeal by the Legislature pursuant to the standards established in the act. The project objective is to review s. 166.236, F.S., to determine if it meets the standards established in the Open Government Sunset Review Act and to recommend whether the exemption should be saved from repeal or permitted to sunset.

METHODOLOGY:

Staff will review the standards established in the Open Government Sunset Review Act, review relevant case law, as well as survey taxing authorities, to determine whether the information received, if any, by the taxing authority or its agent in connection with an audit of a telecommunications service provider conducted under s. 166.234, F.S., should remain exempt.

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Implementation of the Energy Bill

DATE DUE: N/A

PROJECT NUMBER: 2007-323

BACKGROUND and DESCRIPTION:

In the 2006 Regular Session, the Legislature passed SB 888 on energy. This bill will have broad, far-reaching effects on current energy law and future energy policy. The bill:

- creates the Florida Energy Commission and requires that the Commission conduct studies and report on the following subjects:
 - additional incentives for research, development, or deployment projects involving the goals and issues set forth in the bill;
 - policy recommendations for conservation of all forms of energy;
 - greenhouse gas and climate change; and
 - identification of additional energy policy issues and development of a plan of action for addressing these issues;
- creates incentives for renewable energy, renewable energy technologies, energy efficient appliances, solar energy, biomass, and ethanol and biodiesel;
- provides new standards for a determination of need for a proposed nuclear power plant, exempts such a proposed power plant from the Public Service Commission's bid-rule requirement of a competitive bid for power supply, and provides for earlier recovery of specified costs;
- requires the Public Service Commission to direct a study of the electric transmission grid and report the results, and to conduct a study to determine what should be done to enhance the reliability of Florida's transmission and distribution grids during extreme weather events;
- requires the Department of Environmental Protection to report on the state's leadership by example in energy conservation and efficiency; and
- streamlines both the Power Plant Siting Act and the Transmission Line Siting Act.

During the coming interim, the Energy Commission will begin its work; the Public Service Commission and the Department of Environmental Protection will conduct their studies; and the various incentives will be implemented. It is anticipated that at least one electric utility will begin the process of siting a proposed nuclear power plant using the new provisions. Additionally, a new power plant or transmission line may be sited using the revised procedures.

PROJECT OBJECTIVE(S):

To monitor these activities and be informed of any problems which arise in implementation of the law.

METHODOLOGY:

Staff will attend meetings and communicate with those involved in these activities.

Community Affairs

INTERIM PROJECTS

INTERIM PROJECT TITLE:

<i>Mobile Home Relocation</i>

DATE DUE: October 1, 2006

PROJECT NUMBER: 2007-106

BACKGROUND and DESCRIPTION:

Due to dramatic increases in housing costs coupled with modest growth in incomes, many low- and moderate-income Florida families find it increasingly difficult to find safe, decent, and affordable rental and single family housing. For a significant number of individuals and families, mobile homes provide an affordable housing opportunity. However, recent trends in Florida's real estate market and more severe hurricane seasons have placed significant pressure on mobile home park owners to redevelop or sell their parks. Many mobile homes in Florida are located in mobile home parks for which the land use designation may change in the future and park residents will be forced to relocate.

Section 723.061, F.S., provides that in order to evict mobile home owners due to a change in the use of the land on which the mobile home park is located, the park owner is required to give the tenants affected by the change at least 6 months' notice of the projected change in land use in order to give tenants time to find other accommodations. In addition to the notice required for a proposed change in the use of land, a park owner must provide notice of filing for a zoning change to each mobile home owner or the directors of the homeowners' association, if one has been established.

Section 723.083, F.S., prohibits local governments and state agencies from approving an application for rezoning or taking any other official action that results in the removal or relocation of homeowners from a mobile home park unless it is first determined whether adequate mobile home parks or other suitable facilities exist for the displaced homeowners. The term "or other suitable facilities" does not have a statutory definition. In an informal 1986 opinion the Attorney General advised that the phrase "adequate mobile home parks or other suitable facilities" means the local government must consider all facilities suitable for the relocation of the mobile home owners, not their mobile homes. The opinion includes apartments, trailer parks, and boarding houses as examples of "other suitable facilities" which a government may consider for the relocation of owners.

If a mobile home owner is required to move due to a change in the use of land for a mobile home park and the home owner meets certain conditions, there are statutory provisions in place to assist with relocation. The Florida Mobile Home Relocation Corporation (corporation), established in s. 723.0611, F.S., governs the collection and payment of relocation expenses for mobile home owners displaced by a change in land use for a mobile home park. Specifically, s. 723.0612, F.S., provides for relocation expenses or a specified sum to be paid from the corporation to the mobile home owner. The amount of the payment is the actual moving expenses of relocating the mobile home to a new location within a 50-mile radius of the vacated park, or \$3,000 for a single-section mobile home, or \$6,000 for a multi-section mobile home, whichever is less.

Section 723.0611, F.S., provides that the mobile home park owner is required to make payment to the corporation in the amount of \$2,750 per single-section mobile home and \$3,750 per multi-section mobile home for each application for moving expenses due to a change in land use. Additionally, mobile home park owners pay a \$1 surcharge on the annual fee that is remitted to the Division of Florida Land Sales, Condominiums, and Mobile Homes within the Department of Business and Professional Regulation for each lot within a mobile home park that he or she owns. The surcharge payments are deposited in the Florida Mobile Home Relocation Trust Fund and may or may not be imposed depending on the balance in the trust fund. In lieu of collecting moving expenses from the corporation, a home owner may elect to abandon the mobile home and collect payment from the corporation in the amount of \$1,375 for a single section mobile home and \$2,750 for a multi-section mobile home.

Section 723.071, F.S., provides that a mobile home park owner who offers his or her park for sale to the general public must notify the officers of the homeowners' association of the offer, asking prices, and the terms and conditions of sale. The mobile homeowners' association must be given 45 days to meet the price and terms and conditions through the execution of a contract with the park owner. If the homeowners' association and the park owner fail to execute a contract within the 45-day timeframe, the park owner has no further obligation unless he or she agrees to accept a lower price. However, if the park owner agrees to sell the park at a lower price than specified in the notice to the association, then the homeowners' association has an additional 10 days to execute a contract. If a mobile home park owner receives an unsolicited offer to purchase the park that he or she wishes to consider or make a counteroffer to, the park owner is required to notify the mobile homeowners' association of the offer and disclose the price and material terms and conditions.

PROJECT OBJECTIVE(S):

This interim project will assess the operation of Florida's mobile home relocation program and identify opportunities for improvement. Specifically, the interim project will focus on the following issues:

- trends in the conversion of mobile home parks to other land uses;
- actual cost to relocate mobile homes compared to funding available through the relocation program;
- standards utilized in determining the availability of adequate and affordable housing for displaced mobile home owners; and (4) the appropriate role of local governments in the relocation program.

METHODOLOGY:

Committee staff, in consultation with staff of the Committee on Regulated Industries, will review laws and rules relating to the mobile home relocation program in Florida and comparable programs in other states. Staff will interview interested parties including representatives of the Florida Manufactured Housing Association and the Federation of Manufactured Home Owners of Florida. Staff will also review the records of the Florida Mobile Home Relocation Trust Fund and survey past funding recipients.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Implementation of School Concurrency

DATE DUE: N/A

PROJECT NUMBER: 2007-324

BACKGROUND and DESCRIPTION:

In 2002, the Legislature created an optional public educational facilities element, which could be adopted by a county, in conjunction with the municipalities within the county. This element addresses how the local government will consider the existing and planned capacity of public schools when reviewing comprehensive plan amendments and rezonings that are likely to have an impact on the demand for public school facilities, and methodologies for determining school capacity. The county and municipalities located within the geographic area of a school district were required to enter into an interlocal agreement with the district school board that jointly established the specific ways in which the plans and processes of the district school board and the local governments are to be coordinated. Under the 2002 legislation, a local government that adopted the optional public educational facilities element also had to incorporate the obligations of the interlocal agreement with the school board into the intergovernmental coordination element of its comprehensive plan. At that time, Palm Beach County had already implemented school concurrency under rule 9J-5.025 of the Florida Administrative Code. No other county has implemented school concurrency either using the rule or an optional public educational facilities element.

In 2005, the Legislature enacted ch. 2005-290, Laws of Florida, to require school concurrency statewide. Specifically, s. 163.3180(13)(e), F.S., requires adequate school facilities must be in place or under construction within 3 years after the issuance of final subdivision or site plan approval. Each local government must adopt a public school facilities element and the required update to the interlocal agreement by December 1, 2008. The local government's comprehensive plan must also include proportionate fair-share mitigation options for schools. In addition, local governments must update their capital improvements element to demonstrate a financially feasible public school capital facilities program.

The Department of Community Affairs has established a schedule for adoption of the required public schools facilities element and updated interlocal agreements beginning January 1, 2008 and ending December 1, 2008. The department provided a financial incentive for local governments to address this issue early. Forty communities received a financial incentive for early adoption of the updated interlocal agreement. Also, six pilot communities were selected by the department: Hillsborough County, Indian River County, Lake County, Sarasota County, St. Johns County, and Walton County. During 2006, these pilot communities will prepare a draft interlocal agreement and a draft public schools facilities element.

PROJECT OBJECTIVE(S):

The objective of this project is to monitor the implementation of recently enacted school concurrency requirements.

METHODOLOGY:

Staff will monitor with the efforts of the Department of Community Affairs, local governments, and school districts to implement school concurrency.

INTERIM MONITOR PROJECT TITLE:

Capital Improvements Element of Comprehensive Plan

DATE DUE: N/A

PROJECT NUMBER: 2007-325

BACKGROUND and DESCRIPTION:

A key component of the 2005 growth management legislation clearly defines the requirements for the capital improvements element of a local government's comprehensive plan. Capital improvements elements are important tools local governments use to better manage their communities and improve the planning process. All local governments must identify future infrastructure needs and costs, and also provide a plan for sufficient funding. The Department of Community Affairs selected nine pilot communities to help develop a "best practices" model for all local governments to follow. Section 163.3177(3)(b)1., F.S., notes that "Amendments to implement this section must be adopted and transmitted no later than December 1, 2007." A local government may not amend its future land use map (with some exceptions) until it has adopted the annual update and it has been transmitted to DCA.

PROJECT OBJECTIVE(S):

The purpose of this project is to further assess and evaluate the development of models which can be adapted for use by other local governments and to identify any specific issues that may need to be addressed in the 2007 legislative session.

METHODOLOGY:

Committee Staff will meet with state and "pilot" local government officials and other interested parties to discuss their relevant observations and experiences in developing and implementing the capital improvements elements.

INTERIM MONITOR PROJECT TITLE:

Century Commission for a Sustainable Florida

DATE DUE: N/A

PROJECT NUMBER: 2007-326

BACKGROUND and DESCRIPTION:

Chapter 2005-290, Laws of Florida, created s. 163.3247, F.S. which establishes the Century Commission as a standing body to help Florida's citizens envision and plan their collective future with an eye towards both 25-year and 50-year horizons. The purpose of the commission is to develop and recommend policies, plans, action steps, and strategies to assist in achieving the vision. The commission must also address the increasing population, while maintaining the natural, historical, cultural, and manmade qualities that comprise Florida. Beginning with the 2007 Regular Session of the Legislature,

the President of the Senate and the Speaker of the House of Representatives must create a joint select committee to review the findings and recommendations of the Century Commission.

PROJECT OBJECTIVE(S):

The objective is to monitor the meetings of the Century Commission, and to determine if any specific issues need to be addressed in the 2007 legislative session.

METHODOLOGY:

Staff will monitor the Century Commission meetings, including all data prepared by state and private agencies.

INTERIM MONITOR PROJECT TITLE:

Community Workforce Housing Innovation Pilot Program

DATE DUE: N/A

PROJECT NUMBER: 2007-327

BACKGROUND and DESCRIPTION:

HB 1363 enacted by the 2006 Legislature creates a new pilot program for the purpose of providing affordable rental and home ownership opportunities for essential services personnel with medium incomes in high-cost and high-growth counties. The program is designed to use regulatory incentives and state and local funds to promote local public-private partnerships and to leverage government and private sources.

Program Administration - The bill provides the Florida Housing Finance Corporation with authority to provide Community Workforce Housing Innovation Pilot Program (CWHIPP) loans to an applicant for construction or rehabilitation of workforce housing in eligible areas. The Corporation is directed to establish a funding process and selection criteria by rule or by request for proposals. The funding appropriated for this pilot program is intended to be used with other public and private sector resources. The Corporation is directed to provide incentives for local governments in eligible areas to use local affordable housing funds to assist in meeting the affordable housing needs of persons eligible under the program.

Key Definitions - The term “workforce housing” is defined as housing affordable to natural persons or families whose total annual household income does not exceed 140 percent of the area median income (AMI), adjusted for household size, or 150 percent of AMI, adjusted for family size, in areas of critical state concern designated under s. 380.05, F.S. “Essential services personnel” is defined as persons in need of affordable housing who are employed in occupations or professions in which they are considered essential service personnel as defined in that area’s local housing assistance plan as provided for in the State Housing Initiatives Partnership Program.

Priority Funding Consideration - The bill provides the program shall provide priority funding consideration to projects in counties where the disparity between the area median income and the median sales price for a single family home is greatest. The Corporation is authorized to fund projects in counties where innovative regulatory and financial incentives are made available. Priority funding consideration shall be given where:

- The local jurisdiction establishes appropriate regulatory incentives;
- Projects are innovative, and include new construction or rehabilitation, mixed-income housing, or commercial and housing mixed-use elements, and those that promote homeownership; and
- Projects that set aside at least 80 percent of units for workforce housing and at least 50 percent for essential services personnel and for projects that require the least amount of program funding compared to the overall housing costs for the project.

Grant Eligibility - For home ownership units, applications must limit the sales price of a detached unit, town home, or condominium unit to not more than 80 percent of the higher of the median sales price for that type of unit in that county, or the statewide median sales price for that type of unit. Applicants must require that all eligible purchasers of home ownership units occupy the homes as their primary residence. For rental units, applicants must restrict rents for all workforce housing serving those with incomes at or below 120 percent of the AMI at the appropriate income level using the restricted rents for the federal low-income housing tax credit program. For workforce housing units serving those with incomes above 120 percent of AMI, applicants must restrict rents to those established by the Corporation, not to exceed 30 percent of the maximum household income adjusted to unit size. In addition, program applicants must:

- Demonstrate that the applicant is a public-private partnership.
- Have grants, donations of land or contributions from the public-private partnership or other sources collectively totaling at least 15 percent of the total development cost.
- Demonstrate how the applicant will use the regulatory incentives and financial strategies outlined above.
- Demonstrate that the applicant possesses title to or site control of land and evidences availability of required infrastructure.
- Demonstrate the applicant's affordable housing development and management experience.
- Provide any available research or facts supporting the demand and need for rental or home ownership workforce housing for eligible persons in the market in which the project is proposed.

The bill provides that projects eligible for loans may include certain manufactured housing that includes local contributions or financial strategies.

The bill provides that the Corporation shall award loans with a 1 to 3 percent interest rate which may be forgiven when long-term affordability is provided and when at least 80 percent of the units are set aside for workforce housing and at least 50 percent of the units are set aside for essential services personnel.

PROJECT OBJECTIVE(S):

This project will update the members on the progress of the Florida Housing Finance Corporation regarding the CWHIPP program.

METHODOLOGY:

Staff will meet periodically with representatives from the Florida Housing Finance Corporation to monitor the award of the housing funds.

INTERIM MONITOR PROJECT TITLE:

Florida Building Code

DATE DUE: N/A

PROJECT NUMBER: 2007-328

BACKGROUND and DESCRIPTION:

During the 2006 Legislative Session, the Legislature enacted CS/CS/SB 1774 authorizing the Florida Building Commission to amend the wind design standards contained in the Florida Building Code subject to the requirements governing code amendments contained in s. 553.73, F.S. The bill specifically authorizes the commission to identify within the code those areas of the state from the eastern border of Franklin County to the Florida-Alabama line (the Panhandle region) that are subject to the windborne debris requirements of the code. The commission's initial designation of windlines for this region must address the results of the Florida Panhandle Windborne Debris Region study and is only subject to the rule adoption procedures contained in ch. 120, F.S. The bill stipulates that new windborne debris requirements for the Panhandle region may not take effect for six months following completion of rule-making or by May 31, 2007, whichever is sooner.

The bill effectively allows the commission to eliminate or revise the existing "Panhandle exception" (limiting wind-borne debris requirements to within 1 mile of the coast) and amend the wind design standards applicable to the Panhandle region to incorporate the current edition of the national model building code engineering standard (American Society of Civil Engineers Standard 7, 2002 Edition). This would subject new construction in the Panhandle region to the same windborne debris requirements (enhanced door and window protection) applicable to other areas of the state. The bill also authorizes the commission to utilize expedited rule-making procedures (ch. 120, F.S., rather than s. 553.73, F.S.) in implementing this provision.

PROJECT OBJECTIVE(S):

Monitor the efforts of the Commission and the various interested parties and identify any specific issues which need to be addressed during the 2007 Legislative Session.

METHODOLOGY:

Staff will follow the deliberations of the Commission and the associated working groups, attend relevant meetings of those entities; and examine the resulting reports or similar documents.

INTERIM MONITOR PROJECT TITLE:

Interlocal Service Boundary Agreements

DATE DUE: N/A

PROJECT NUMBER: 2007-329

BACKGROUND and DESCRIPTION:

Chapter 2006-218, Laws of Florida, creates the "Interlocal Service Boundary Agreement Act" as part II of ch. 171, F.S., to provide an alternative process for annexation that allows counties and municipalities to negotiate in good faith to identify municipal service areas and unincorporated service areas, resolve which local government is responsible for providing services and facilities within the

municipal service areas, and reduce the number of enclaves. The negotiating parties, however, are not required to reach an agreement.

This legislation defines “invited local government” to mean an invited county or municipality, or special district and any other local government that is designated as such in an initiating resolution or a responding resolution. The purpose of these resolutions is to invite a designated local government to participate in the negotiation of an interlocal service boundary agreement.” The legislation also defines a “municipal service area” as an unincorporated area that has been identified by a municipality that is party to the agreement as an area to be annexed or to receive municipal services from a municipality or its designee. Land within a municipal service area may be annexed by a municipality if consent is obtained using a process for annexation consistent with part I of ch. 171, F.S., or a flexible process, as determined by the agreement, that includes one or more of the following:

- Petition for annexation signed by more than 50 percent of the registered voters in the area proposed for annexation;
- Petition for annexation signed by more than 50 percent of the property owners in the area proposed for annexation; or
- Approval by a majority of the registered voters in the area proposed for annexation.

Under this legislation, an enclave consisting of 20 acres or more within a designated municipal service area may be annexed if the consent requirements of part I of ch. 171, F.S., are met, one or more of the provisions for annexing land within a municipal service area are met, or the municipality receives a petition from one or more property owners who own real property in excess of 50 percent of the total real property in the area proposed for annexation. Enclaves consisting of less than 20 acres and with fewer than 100 registered voters, within a designated municipal service area, may be annexed using a flexible process for securing the consent of the voters, as provided in the interlocal service boundary agreement. No voter approval is required.

PROJECT OBJECTIVE(S):

The objective of this project is to monitor local governments that choose to undergo this process and advise the Legislature on any additional legislative changes which may be necessary.

METHODOLOGY:

Staff will attend any relevant meetings, as well as maintain communications with the Florida League of Cities and Florida Association of Counties on the alternate process for annexation.

INTERIM MONITOR PROJECT TITLE:

Proportionate Fair Share Model Ordinance

DATE DUE: N/A

PROJECT NUMBER: 2007-330

BACKGROUND and DESCRIPTION:

A key section of the 2005 growth management legislation provides for a methodology by which developers may move forward with a development if the developer pays the proportionate share of costs for transportation facilities. Subsection (16) of section 163.3180, F.S., requires each local government to adopt an ordinance by December 1, 2006 that provides a methodology for assessing proportionate share

costs. This is to be administered through the local government's concurrency management system. The statute provides that a developer may choose to satisfy all transportation concurrency requirements by contributing its proportionate share if transportation facilities identified as mitigation for traffic impacts are:

- Specifically identified for funding in the 5-year schedule of capital improvements in the Capital Improvement Element of the local plan, or
- Identified in the long term concurrency management system, or
- If contributions or payments for such facilities or segments are reflected in a 5 year schedule of a capital improvement plan in the next regularly scheduled update of the local Capital Improvement Element.

The Department of Transportation developed a model transportation concurrency management ordinance that local governments may use in the development of the ordinance required by law, and currently is conducting state-wide public workshops to explain the new transportation proportionate fair share, concurrency and financial feasibility requirements of Florida's growth management laws.

PROJECT OBJECTIVE(S):

The purpose of this project is to further assess and evaluate the development of methodologies by local governments that determine the amount of proportionate share costs a developer must pay in order to move forward with a development. Another purpose of this project is to identify any specific issues that may need to be addressed in the 2007 legislative session.

METHODOLOGY:

Committee Staff will meet with state and local government officials and other interested parties to discuss their relevant observations and experiences in developing and implementing the proportionate share mitigation ordinance.

Criminal Justice

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Review How Florida and Some Other States Punish the Crime of Falsely Personating a Law Enforcement Officer

DATE DUE: November 1, 2006

PROJECT NUMBER: 2007-107

BACKGROUND and DESCRIPTION:

Section 843.08, F.S., provides that it is a third degree felony to falsely assume or pretend to be a law enforcement officer. Additionally, falsely personating a law enforcement officer during the course of the commission of a felony is a second degree felony (or a first degree felony if there is death or personal injury to another person).

In the last several years several states have passed or considered legislation to enhance penalties for falsely personating a law enforcement officer.

PROJECT OBJECTIVE(S):

The objective of this project is to compare how Florida and several states punish falsely personating a law enforcement officer, including falsely personating a law enforcement officer during the course of committing a crime, so that legislators will have information to assess whether current penalties for these crimes are appropriate.

METHODOLOGY:

Staff will examine the laws of Florida and several other states that punish falsely personating a law enforcement officer, including falsely personating a law enforcement officer during the course of committing a crime. Staff will also look at relevant legislation that may have been considered but not passed.

INTERIM PROJECT TITLE:

Examine the Definition of "Juvenile Sexual Offender" in Chapter 985, F.S.

DATE DUE: October 1, 2006

PROJECT NUMBER: 2007-108

BACKGROUND and DESCRIPTION:

During the 2005 Regular Session, the Legislature enacted ch. 2005-263, L.O.F., which created the Task Force on Juvenile Sexual Offenders and their Victims (Task Force) to examine how Florida processes and treats juvenile sexual offenders and their victims. The law directed the Governor to appoint up to 12 members to the Task Force, including the following: a circuit court judge with at least one year's experience in the juvenile division, a state attorney with at least one year's experience in the juvenile division, a public defender with at least one year's experience in the juvenile division, one representative of the Department of Juvenile Justice, two representatives of providers of juvenile sexual

offender services, one member of the Florida Juvenile Justice Association, one member of the Florida Association for the Treatment of Sexual Abusers, and one victim of a juvenile sexual offense.

The Task Force held five meetings and a series of conference calls in 2005 to execute its duties and issued a final report of its findings and recommendations on January 18, 2006. One of its priority recommendations included amending the definition of “Juvenile Sexual Offender” in ch. 985, F.S., to “Juveniles with Sexual Behavioral Problems.”

During the 2006 Legislative Session, the Criminal Justice Committee favorably reported CS/SB 1454, which incorporated several of the Task Force recommendations, as well as authorized the continuation of the Task Force to further develop recommendations. This bill ultimately died in the Judiciary Committee.

PROJECT OBJECTIVE(S):

This project will examine the definition of “juvenile sexual offender” in ch. 985, F.S., to determine if, in fact, it needs to be amended, and if so, how will that best be accomplished.

METHODOLOGY:

Staff will study the findings and conclusions of the Task Force, review relevant statutes and case law, and seek input from knowledgeable stakeholders in the juvenile justice system.

INTERIM PROJECT TITLE:

Use of Stun Guns

DATE DUE: October 1, 2006

PROJECT NUMBER: 2007-109

BACKGROUND and DESCRIPTION:

The prevalence of the deployment of stun guns as another “tool on the belt” of law enforcement officers has brought several issues into the forefront of public opinion and legislative concern. Stun guns are used by more than 7,000 of the 18,000 law enforcement agencies in the country; and in at least 240 law enforcement agencies in Florida.

Questions arose during the 2006 Legislative Session regarding the use of stun guns by School Resource Officers, or other law enforcement officers, particularly against elementary school-age children. There was interest in whether the incidents are routinely reported to any state-level agency, and if not, whether that is feasible. Concern was also voiced over the medical effects the use of stun guns have on children. This project report will address those issues.

PROJECT OBJECTIVE(S):

Staff will determine the actual number of incidents of the use of stun guns on children during the past two consecutive school years, whether incidents of the use of stun guns in Florida public schools are reported to any central state agency, and suggest any legislative action that may facilitate the gathering of such data on a continuing basis.

METHODOLOGY:

Staff will partner with the LCIR to survey the public schools to determine the number of times a stun gun has been deployed on school property and for what reason during the 2004-05 and 2005-06 school years. Staff will follow up on the reported cases to gather specific information about the circumstances, and the reporting procedure for the incidents, if such procedures exist. Additionally, staff will conduct a review of scientific and medical reports that have been published since the 2006 Interim on the effects of stun guns, with an emphasis on children.

INTERIM PROJECT TITLE:

Convicted Felons on Probation and Prevention of Subsequent Crimes

DATE DUE: January 9, 2007

PROJECT NUMBER: 2007-110

BACKGROUND and DESCRIPTION:

In the last few years, Florida has witnessed several high profile crimes committed by felony offenders who had either served their prison sentences and now were on probation or who had completed their prison sentences for a felony violation and who now might be on probation for a subsequent, non-felony violation. Concerns were expressed by the media and others that the state was too lax on criminals who repeatedly violated the terms of their probation. Two cases in particular prompted the Department of Corrections to implement a “zero tolerance” policy on alleged probation violations.

In 2005, the Legislature passed the Jessica Lunsford Act which imposed additional conditions on the court when hearing violations of probation. In order to release an offender who is under supervision for sexual crimes involving children or who is required to register as a sexual offender or predator, the court must now make a finding that the probationer is not a danger to the public prior to release with or without bail.

In 2006, Senate Interim Project (#2006-109) reviewed Florida’s sentencing policies and the sanctions ordered for violations of probation, noting that the circuit courts had increased incarcerative sanctions for alleged violators and lessened their opportunities to be continued on probation. The Department of Corrections, likewise, reviewed its practices and policies regarding alleged probation violators. As a result of these policy changes, jail and prison populations have increased with more probation violators.

PROJECT OBJECTIVE(S):

This project will review the policies of other states with regard to the sanctions and penalties imposed for violations of probation to identify additional options that could enhance Florida’s existing laws that serve as a deterrent to probationers committing additional violent offenses.

METHODOLOGY:

Staff will consult with Florida probation officials and other Florida stakeholders. Staff will survey officials from other states and consult with pertinent academics to identify other options to prevent crimes committed by probationers. Staff will also review reports, legislative documents, statistics, agency rules, proposed court rules, criminal justice estimating conference work products, and case law.

MANDATORY REVIEWS

INTERIM MANDATORY REVIEW TITLE:

Open Government Sunset Review of Criminal Intelligence and Criminal Investigative Information, Section 119.071(2)(c)2., F.S.

DATE DUE: October 1, 2006

PROJECT NUMBER: 2007-207

BACKGROUND and DESCRIPTION:

Chapter 2001-364, L.O.F., created an exemption to public records requirements which is found at s. 119.071(2)(c)2., F.S.

Requests of a law enforcement agency to another agency for a public record related to criminal intelligence information and criminal investigative information that is active were made exempt by the statute, which further made explicit that the response of another agency to such a request is exempt, as well.

The exemption was remedial in nature and applied to requests made to an agency before, on, or after, the effective date of the law.

The exemption also required law enforcement to notify the custodial agency when such information is no longer part of active criminal intelligence or investigative information.

This public records exemption is scheduled for review, and will stand repealed unless reenacted before October 2, 2007.

PROJECT OBJECTIVE(S):

The project objective is to review s. 119.071(2)(c)2., F.S., to determine if it meets the standards established in the Open Government Sunset Review Act (s. 119.15, F.S.) and to recommend whether the exemption should be saved from repeal or permitted to sunset.

METHODOLOGY:

Staff will conduct the necessary sunset review by gathering information from interested parties and reviewing relevant case law and opinions of the Attorney General.

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

A Review of the Legal Issues Facing the Department of Corrections

DATE DUE: N/A

PROJECT NUMBER: 2007-331

BACKGROUND and DESCRIPTION:

The Department of Corrections is confronted with a number of legal issues and litigation which cover a broad range of topics. Among those diverse topics are faith based programs, offender litigation involving sentence structure and gain time, personnel, public records requests, inmate health care, and ethics concerns.

PROJECT OBJECTIVE(S):

This interim monitor project will inform staff and legislators about the legal issues the department is addressing and how those issues are being resolved.

METHODOLOGY:

Staff will conduct a legal analysis of these issues and meet with the legal staff of the Department of Corrections to better understand what the issues are and how those issues are being addressed. If advisable, staff will travel to different faith based facilities to better observe the issues which the department is addressing.

INTERIM MONITOR PROJECT TITLE:

“Reasonable Suspicion” Anabolic Steroid Drug Testing of Department of Corrections Employees

DATE DUE: N/A

PROJECT NUMBER: 2007-332

BACKGROUND and DESCRIPTION:

Chapter 2006-116, Laws of Florida, authorizes the Department of Corrections to expand its current drug testing abilities to test employees in “safety sensitive and special risk positions” for the use of anabolic steroids based upon a reasonable suspicion of drug use. The department is also able to test employees for acts that occur on or off duty which raise the suspicion of drug use.

PROJECT OBJECTIVE(S):

Staff will monitor the implementation of the drug testing program and report its progress to the Senate.

METHODOLOGY:

Staff will maintain regular contact with the Department of Corrections to observe the number and frequency of drug tests conducted pursuant to this legislation as well as any legal issues which might arise as the new testing program is implemented.

INTERIM MONITOR PROJECT TITLE:

Implementation of Chapter 985, F.S., Juvenile Justice Rewrite

DATE DUE: N/A

PROJECT NUMBER: 2007-333

BACKGROUND and DESCRIPTION:

Chapter 985, F.S., addresses Florida's juvenile justice system. Some judges, prosecutors, defense attorneys, and agency personnel have indicated that the chapter's current organization is difficult to utilize in practice. In 2003, the Delinquency Subcommittee of the Steering Committee of Families and Children in the Court prepared a proposed reorganization of ch. 985, F.S., to address this problem. The subcommittee was comprised of representatives from the judiciary, the state attorney's office, the public defender's office, and the Department of Juvenile Justice. Legislation reorganizing this chapter passed during the 2006 Regular Session (CS/SB 1748).

PROJECT OBJECTIVE(S):

Staff will monitor the implementation of this statutory reorganization to ensure a seamless transition.

METHODOLOGY:

Staff will meet with staff from Statutory Revision and the House Juvenile Justice Committee as necessary.

INTERIM MONITOR PROJECT TITLE:

Court Rule on Postconviction DNA Testing

DATE DUE: N/A

PROJECT NUMBER: 2007-334

BACKGROUND and DESCRIPTION:

There have been several significant developments in the area of postconviction DNA testing recently, including the passage of legislation during the 2006 Legislative Session which effectively eliminated the deadline for petitions to be filed seeking testing.

The statutory and procedural rule deadline had been October 1, 2005, but the Florida Supreme Court amended its postconviction DNA testing Rule of Procedure extending the deadline from October 1, 2005 to July 1, 2006. Presumably the Court was aware that this may be an issue the Legislature would consider this past Session, and the rule change provided a way it could at least be argued that testing could continue until July 1, 2006, under the Court Rule.

With the new law expected to be signed by the Governor, it is now up to the Florida Supreme Court to either adopt a new rule of procedure or allow the apparent incongruity between the deadline in the statute and the rule to continue to exist.

PROJECT OBJECTIVE(S):

To monitor the Florida Supreme Court's rule-making in the area of postconviction DNA testing.

METHODOLOGY:

Staff will keep apprised through court docket searches and communication with the Florida Bar Rules Committee, as well as attending any oral argument that may be held on the issue.

INTERIM MONITOR PROJECT TITLE:

Hill v. McDonough: Can a Civil Rights Claim be Raised Regarding Florida's Lethal Injection Formula?

DATE DUE: N/A

PROJECT NUMBER: 2007-335

BACKGROUND and DESCRIPTION:

In January of 2006, the U.S. Supreme Court agreed to hear Death Row inmate Clarence Hill's petition for writ of certiorari (*Hill v. McDonough*, Case No. 05-8794) and stayed Hill's execution pending further order. The questions presented in Hill's petition are not whether lethal injection constitutes "cruel and unusual" punishment but rather whether Hill should be able to raise a civil rights challenge to Florida's lethal injection formula. Oral argument was heard on the petition in April of 2006. Executions in Florida and several states have been suspended pending the outcome of this case.

PROJECT OBJECTIVE(S):

The objective of this interim monitor project is to report the Court's decision in the *Hill* case so that members can determine if any legislative action is necessary.

METHODOLOGY:

Staff will review the decision in the *Hill* case and cases in the federal and state courts discussing the *Hill* decision.

INTERIM MONITOR PROJECT TITLE:

Quality Educational Programming for Juveniles in the Department of Juvenile Justice

DATE DUE: N/A

PROJECT NUMBER: 2007-336

BACKGROUND and DESCRIPTION:

Last session, staff conducted an interim project on the quality of educational services in Florida's juvenile justice facilities (Interim Project Report 2006-111). One of the recommendations in the report was that the Legislature should encourage the formation of a workgroup consisting of representatives from the Department of Education, the Department of Juvenile Justice, the Juvenile Justice Educational Enhancement Program, Workforce Florida, the Florida Juvenile Justice Association, local juvenile justice and education providers, and any other relevant stakeholders to develop a detailed plan of action to present to the Legislature. The proposed plan should include specific statutory changes that are needed to successfully implement the federal No Child Left Behind requirements and to further strengthen Florida's delivery of educational services to youths in juvenile justice facilities.

PROJECT OBJECTIVE(S):

Staff will monitor the progress of this workgroup in conjunction with the Senate Education Committee staff to keep members informed and prepared if legislative changes are recommended.

METHODOLOGY:

Staff will attend any scheduled meetings of this workgroup.

INTERIM MONITOR PROJECT TITLE:

Developments Affecting the National Sex Offender Public Registry

DATE DUE: N/A

PROJECT NUMBER: 2007-337

BACKGROUND and DESCRIPTION:

The National Sex Offender Public Registry (NSOPR) website was activated by the U.S. Department of Justice in 2005. This Justice-sponsored website is designed to accommodate and link public sex offender registries of the states and territories and to provide the public with one-stop access to the data in these registries. Florida participates in the NSOPR website.

PROJECT OBJECTIVE(S):

The objective of this interim monitor project is to report any developments, such as the enactment of federal legislation, that may affect the NSOPR and that may require action by the Legislature or Florida agencies.

METHODOLOGY:

Staff will review any federal legislation or federal agency action that affects the NSOPR and will also confer with staff at the Florida Department of Law Enforcement.

INTERIM MONITOR PROJECT TITLE:

Governor's Ex Offender Task Force

DATE DUE: N/A

PROJECT NUMBER: 2007-338

BACKGROUND and DESCRIPTION:

The Governor's office issued its Ex-Offender Task Force Preliminary Report on December 31, 2005. The purpose of the study was to determine ways in which the state could help inmates successfully return to their communities and thereby reduce the rate of recidivism. The report contains many practical steps that can be taken to help ex-offenders overcome the obstacles to re-entering society.

PROJECT OBJECTIVE(S):

Staff will monitor the implementation of the Task Force's findings to determine any possible legislation that could be proposed based on its work.

METHODOLOGY:

Staff will attend meetings of the Task Force and monitor its progress and proposals.

Domestic Security

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Intermodal, Point to Point, Cargo Security

DATE DUE: October 1, 2006

PROJECT NUMBER: 2007-111

BACKGROUND and DESCRIPTION:

There is growing concern that the federal government's response to point of entry cargo security has not been adequate for the threat posed by the shipment of goods, weapons, or humans into our country. The threat is intermodal, including ships, ports, trucks, trains and air cargo transport, as containers and palletized cargo can be moved easily among these different types of transportation.

The Florida Seaport Transportation and Economic Development Council indicates that Florida's ports annually move approximately 2.7 million 20-foot equivalent container units. Each incoming container unit has the potential to carry contraband, illegally smuggled humans, or weapons of mass destruction. Since Florida has 12 active public seaports, there is concern that the state may need to be doing more to ensure port security.

PROJECT OBJECTIVE(S):

- Review federal and state cargo inspection activities and determine if more state or local action is required.

METHODOLOGY:

As needed, staff may collect data from and/or conduct interviews, by phone, electronic mail or in person, with participants, affected parties or others pertaining to this review. Staff may request documents from agencies involved in port security planning, threat analysis, cargo inspection activities, and security evaluation activities. Workshops and meetings may be held to obtain and review information related to this project.

INTERIM PROJECT TITLE:

Pandemic Outbreak Preparedness

DATE DUE: November 1, 2006

PROJECT NUMBER: 2007-112

BACKGROUND and DESCRIPTION:

Scientific indicators point to the potential for a pandemic flu outbreak in the near future related to a possible mutation of the H5N1 virus. Federal and state agencies are actively engaged in health care and continuity of business planning for such an outbreak.

According to the *Implementation Plan for the National Strategy for Pandemic Influenza*, released by President Bush in May 2006, three influenza pandemics occurred in the 20th century. Each resulted in

illness to approximately 30 percent of the world population and death in 0.2 to 2 percent of those infected. With this historical information and current models of disease transmission, it is projected that a modern pandemic could lead to the deaths of 200,000 to 2 million people in the United States alone.

PROJECT OBJECTIVE(S):

- Review state and federal planning operations and determine what, if any, legislative actions might be required to prepare for and respond to a pandemic outbreak.

METHODOLOGY:

As needed, staff may collect data from and/or conduct interviews, by phone, electronic mail or in person, with participants, affected parties or others pertaining to this review. Staff may request documents from agencies involved in preparedness planning, training, and exercise activities. Workshops and meetings may be held to obtain and review information related to this project.

MANDATORY REVIEWS

INTERIM MANDATORY REVIEW TITLE:

Open Government Sunset Review of Section 119.071(3)(b), F.S., Building Plans, Blueprints, and Schematic Drawings of Structures Owned by Government Agencies

DATE DUE: October 1, 2006

PROJECT NUMBER: 2007-208

BACKGROUND and DESCRIPTION:

Pursuant to s. 119.15, F.S., “in the fifth year after enactment of a new (public meetings or public records) exemption or substantial amendment to an existing exemption, the exemption shall repeal on October 2 of the fifth year, unless the Legislature acts to reenact the exemption.” This review of s. 119.071 (3) (b), F.S., is due to the fact that the original exemption was created in 2002 (see ch. 2002-67, L.O.F.) and is due to expire October 2, 2007.

Section 119.071 (3) (b), F.S., was created to provide public records exemptions for building plans, blueprints, schematic drawings, and diagrams which depict the internal layout and structural elements of a building, arena, stadium, water treatment facility, or other structure owned or operated by an agency defined in s. 119.011, F.S. These records are exempt from the provisions of s. 119.071(1), F.S., and s. 24(a), Art. I of the State.

The purpose of s. 119.071 (3) (b), F.S., is to be able to protect certain information from the consequences of attempted or actual acts of terrorism.

PROJECT OBJECTIVE(S):

- Review s. 119.071 (3) (b), F.S., its uses and applications to determine if it continues to serve a public purpose.

METHODOLOGY:

Interview the Florida Department of Law Enforcement, the Department of Management Services, and other affected entities to determine the original cause for the exemption and to determine if conditions remain the same, or have changed in such a way as to warrant repeal of the exemption. In

addition, staff may consult with the federal Department of Homeland Security to determine the impact of any federal regulations on the state exemption. As needed, staff may collect data from and/or conduct interviews, by phone, electronic mail, or in person, with persons affected by this review. Workshops and meetings may be held to obtain and review information related to the project.

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Emergency Preparedness Commodities Distribution and Warehouse Capacity

DATE DUE: N/A

PROJECT NUMBER: 2007-339

BACKGROUND and DESCRIPTION:

During the course of the response to and recovery from Hurricane Wilma, over 7.3 million gallons of water, 54.4 million pounds of ice, and nearly 10.7 million meals were distributed by Florida's emergency management system to Florida residents. This distribution was larger than the combined total of all four distributions made during the 2004 hurricane season. However, post-Wilma analysis suggested that the program could be improved. Instances were reported of emergency commodity distribution centers operating in direct competition with commercial retail facilities that were open for business. At the same time, many Floridians failed to heed the advice to prepare to be self-sufficient for a minimum of three days. This placed tremendous demand on the emergency supplies distribution system in larger urban areas while smaller, more isolated areas were underserved.

In addition, both the 2004 and 2005 hurricane season analyses suggested the need to improve the state's commodity staging and warehousing capabilities. The Legislature addressed these issues during the 2006 Legislative Session by passing Chapter 2006-71, Laws of Florida. The bill appropriated the sum of \$6.5 million to the Department of Community Affairs for this purpose.

PROJECT OBJECTIVE(S):

- Monitor the Division of Emergency Management's development of proposed improvements to the state's commodities distribution, logistics tracking, and emergency supplies warehousing capabilities.
- Provide legislative oversight in the expenditure of funds appropriated for this program.

METHODOLOGY:

Review Division of Emergency Management actions and initiatives relating to improving disaster commodities distribution, logistic tracking, and commodities and supplies warehouse capacity. As needed, staff may collect data from and/or 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 MONITOR PROJECT TITLE:

Federal Domestic Security Funding Process

DATE DUE: N/A

PROJECT NUMBER: 2007-340

BACKGROUND and DESCRIPTION:

This committee is responsible for monitoring federal funding and program guidelines for domestic security prevention, preparedness and response, and the integration of the Domestic Security Oversight Council (DSOC), Regional Domestic Security Task Force (RDSTF), State Working Group (SWG), and Urban Area Security Initiative (UASI) planning and operations activities funded by those resources.

Federal requirements continue to change with a shift in focus towards funding threat and risk-based strategies. These new requirements are evident in grants awards related to the state's UASI cities (Miami, Ft. Lauderdale, Orlando, Jacksonville, and Tampa). Florida may have to make adjustments to its Statewide Security Strategy to accommodate the shift in federal directives and to continue to maximize the availability of and eligibility for federal domestic security grant awards.

PROJECT OBJECTIVE(S):

- Continue to monitor congressional funding and federal agency program guidelines for domestic security grants and allocations coming to state and local governments.
- Work with the Florida Washington Office, the Department of Law Enforcement (designated as State Homeland Security lead by title), Department of Community Affairs (designated as State Administering Agency for all federal Department of Homeland Security funding), Department of Health (designated as receiving agency for CDC/HRSA grants), the Florida Seaport Transportation and Economic Development Council (coordinates public seaport grant requests in conjunction with FDLE and individual, eligible ports) and any other agencies receiving federal funds for domestic security programs.

METHODOLOGY:

Monitor federal legislation, congressional activities and federal agency guidance relative to domestic security funding through our working partnerships with the Florida Washington Office, FDLE, DCA, DOH, FSTED and other state agencies. As needed, staff may collect data from and/or 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 MONITOR PROJECT TITLE:

Implementation of Emergency Preparedness Programs

DATE DUE: N/A

PROJECT NUMBER: 2007-341

BACKGROUND and DESCRIPTION:

Chapter 2006-71, Laws of Florida, provides legislative findings relating to the need to improve the state's preparedness and response capabilities for disasters. In making this finding, the Legislature

identified areas of critical concern including: construction or hardening of emergency operations centers to meet survivability standards; providing permanent generator capacity at special needs shelters; construction or hardening of additional shelters for the general public including retrofitting existing structures to meet minimum public shelter standards; improving logistical staging and warehouse capacity for commodities, and planning for hurricane evacuations. To meet these needs, the Legislature appropriated \$151.7 million.

The bill further provides for improved disaster response and recovery by requiring certain motor fuel dispensing facilities and high-rise multi-family residential building elevators to be able to operate on alternate generated power after a disaster. The bill requires the Division of Emergency Management to address strategies for the evacuation of persons with pets in the state comprehensive emergency management plan. The Department of Health, through the local county health departments, is required to review home health agency, nurse registry, hospice, and home medical equipment agency emergency management plans to ensure continuity of care for their clients during an emergency.

This bill represents a major effort to improve the state's ability to respond to and recover from disasters particularly natural disasters such as a hurricane.

PROJECT OBJECTIVE(S):

- Monitor state agencies' development and implementation of programs required by HB 7121.
- Provide legislative oversight in the expenditure of funds appropriated for these programs.

METHODOLOGY:

In coordination with the Transportation and Economic Development Appropriations Committee, review actions and initiatives relating to improving: special needs shelters; generator capacity for motor fuel dispensing facilities and high-rise multi-family residential buildings; creation of the pet sheltering component of the state emergency management plan; and home health agency, nurse registry, hospice, and home medical equipment agency emergency management plans. As needed, staff may collect data from and/or 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 MONITOR PROJECT TITLE:

Lake Okeechobee Area Mass Evacuation Plans

DATE DUE: N/A

PROJECT NUMBER: 2007-342

BACKGROUND and DESCRIPTION:

The hurricane of 1928 produced flooding of areas surrounding Lake Okeechobee resulting in the death of more than 2,500 people. It ranks as the second deadliest hurricane in U. S. history. In order to prevent a reoccurrence, the Herbert Hoover Dike was subsequently constructed surrounding Lake Okeechobee. Maintenance and repair of the 143 mile long dike today is the responsibility of the U. S. Army Corps of Engineers.

Recently, the South Florida Water Management District (SWFMD) Governing Board commissioned an independent engineering evaluation of the Herbert Hoover Dike. The report suggested that ongoing erosion is impacting the dike's structural integrity in a manner that will increase the likelihood of multiple breaches in relatively minor weather conditions (Category 1 hurricanes or less). Since improvements to the 140 mile-long dike call for extensive, long-term, and costly engineering and construction, planning for emergency mass evacuation is essential for the safety of area residents.

In its fact sheet on the report, the SWFMD recommended that: "Local and county governments are asked to work closely with the Florida Division of Emergency Management to update emergency preparations and evacuation plans. A well-rehearsed plan for bringing citizens out of harm's way continues to be an essential component of responsible flood protection."

PROJECT OBJECTIVE(S):

- Monitor development and implementation of revised mass evacuation plans for areas surrounding the Herbert Hoover Dike at Lake Okeechobee.

METHODOLOGY:

Review planning efforts relating to contingency evacuation of areas surrounding Lake Okeechobee. As needed, staff may collect data from and/or 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 MONITOR PROJECT TITLE:

Transportation Worker Identification Card Program

DATE DUE: N/A

PROJECT NUMBER: 2007-343

BACKGROUND and DESCRIPTION:

Section 311.125, F.S., requires public, active Florida ports to use a Uniform Port Access Credential Card (FUPAC) to control port access and enhance port security. The section further requires that the system be designed to conform, as closely as possible, to criteria established by the United States Transportation Security Administration for a Transportation Worker Identification Card (TWIC). Florida ports have made substantial progress in implementing FUPAC while waiting for the federal government to develop TWIC. Florida's access control law is critical to the state's ability to properly secure its public seaports from drug activities and terrorism.

Recent national events such as the proposed sale of port operations companies to foreign entities have resulted in heightened interest in port security. In response, the TWIC program has received further emphasis and higher priority at the federal level towards completion of the developmental phase and movement towards full implementation. Florida has served as a leading partner working with the federal government on the TWIC program and will likely be one of the first states in the nation to fully implement the program. The U. S. Transportation Security Administration and the Coast Guard are now in the rulemaking process and it is important to ensure that Florida's program is protected in that process. Since the TWIC program does not recognize drug control as part of its mission, Florida law is

more comprehensive in scope than federal law and regulations. These issues between state and federal jurisdictions must be resolved.

PROJECT OBJECTIVE(S):

- Monitor the completion of the federal TWIC program and integration with Florida's FUPAC program.
- Provide oversight to ensure that TWIC is implemented in a cost effective manner that does not impede Florida's seaport security laws through federal rulemaking.

METHODOLOGY:

Monitor federal legislation, congressional activities and federal agency guidance relative to implementation of the TWIC program through DHSMV, FDLE, FSTED, Florida's commercial ports and other state agencies. As needed, staff may collect data from and/or 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.

Education

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Review of the Criminal Background Screening Requirements for Instructional and Noninstructional Personnel in School Districts

DATE DUE: October 1, 2006

PROJECT NUMBER: 2007-113

BACKGROUND and DESCRIPTION:

For the past three consecutive years the Legislature has increasingly required individuals who come in contact with students to submit to state and national criminal records checks conducted by the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigation respectively.

Instructional and noninstructional personnel with direct student contact must undergo state and national criminal history records checks and meet Level 2 background screening standards. Personnel who have access to or control of school funds are also subject to these requirements. The requirements must be met upon employment or upon engagement to provide services to a school district. Every five years thereafter a national criminal history records check must be conducted. The 2005 Jessica Lunsford Act provided that these requirements also apply to contractors who are on school grounds when students are present (Section 21 of Chapter 2005-28, L.O.F.).

After the passage of the Jessica Lunsford Act, the district school boards, the Department of Education (DOE), and the FDLE experienced implementation problems associated with the unexpected volume of contractors who needed state and national criminal records checks. During the past session, legislation was proposed to substantially change the background screening requirements for noninstructional personnel. These measures included alternative background screening standards and proposed exemptions for personnel who were required by other laws to undergo and meet the same background screening requirements. While preparing the proposed legislation, it was noted that the current statutes relating to school district criminal background checks may need to be updated to clarify the manner and type of background checks required.

PROJECT OBJECTIVE(S):

Review and make recommendations to revise current statutory school district criminal background check provisions to clarify the manner and type of background checks required. This project would be a technical rewrite of the background check provisions.

METHODOLOGY:

Committee staff activities will include reviewing the current statutory requirements and soliciting input from interested stakeholders on the technical rewrite of the criminal background provisions.

INTERIM PROJECT TITLE:

Physical Education in Public Schools

DATE DUE: October 1, 2006

PROJECT NUMBER: 2007-114

BACKGROUND and DESCRIPTION:

The inactive lifestyle of many children and the consequences for the children's health has been the focus of several national policy initiatives. The health of children sets the course of their health in later years, thereby affecting their productivity as adults and the resources they and society would need to devote to their health care. Regular participation in physical education and activity is important to the health of children both while they are in school and life-long.

Each district school board must have a physical education policy that describes the district's physical education program. The 2006 Legislature required all physical education programs and curricula to be reviewed by a certified physical education teacher and encouraged each district school board to provide a minimum number of minutes of physical education each week for students in grades K-8. The Sunshine State Standards establish expectations for students' achievement in physical education from prekindergarten through grade 12. In addition, high school graduation requirements include one credit in physical education. However, the extent to which students participate in physical education and activity at each level of school varies by school district and is unknown at the state level.

PROJECT OBJECTIVE(S):

To provide a report on school districts' provision of physical education in elementary, middle, and high schools.

METHODOLOGY:

Staff will review statutes, rules, agency memoranda, and other documents related to physical education policy and will survey school districts concerning their provision of physical education for all students.

INTERIM PROJECT TITLE:

Teacher Preparation Programs

DATE DUE: October 1, 2006

PROJECT NUMBER: 2007-115

BACKGROUND and DESCRIPTION:

Florida faces substantial teacher shortages based on a convergence of several factors. The teaching profession has been listed as a critical shortage area for many years, an issue continually addressed by the Legislature and resulting in grants to colleges of education and provisions for student loan forgiveness for new teachers. Additionally, a high percentage of the teacher workforce will reach retirement age over the next several years. Statistics also reflect that many of the state's new teachers voluntarily leave the classroom within the first three years of employment. Finally, the state's colleges of education are not producing a sufficient number of teachers to meet state needs. All of these factors, coupled with a growing student population, and the state constitutional mandate to reduce class sizes

suggest the need for policy makers to consider options that will increase the number of well-prepared and successful teachers.

The primary focus of this interim project will be to review teacher preparation programs throughout the state to assess strategies currently used to increase undergraduate enrollment to meet the needs of the state's teaching workforce.

PROJECT OBJECTIVE(S):

Review approved teacher preparation programs in the state to assess:

- Strategies currently employed or planned for the near future to increase percentages of undergraduates choosing to pursue a career in teaching;
- Alignment of the college classroom experience to Florida's system of standards and accountability; and
- Classroom teaching opportunities provided to students prior to professional placement in the classroom.

METHODOLOGY:

Staff will survey the Board of Governors of the State University System; the Department of Education; approved teacher preparation programs at the state universities, community colleges, and private postsecondary education institutions; and school districts to obtain information on current teacher preparation programs and plans to meet Florida's teacher workforce needs.

INTERIM PROJECT TITLE:

Duties and Powers of the Board of Governors of the State University System

DATE DUE: December 15, 2006

PROJECT NUMBER: 2007-116

BACKGROUND and DESCRIPTION:

Florida voters approved a ballot initiative in the 2002 General Election to require a single state university system composed of all public state universities. The initiative also provided for the creation of a 17-member board of governors to govern the state university system and a 13-member board of trustees administering each university. This amendment took effect January 7, 2003 as Section 7, Article IX, of the State Constitution. The 2003 Florida Legislature established the Board of Governors in statute as a corporate body (Chapter 2003-392, L.O.F.). The 2005 Florida Legislature established the basic framework outlining the responsibilities of the Board of Governors (Chapter 2005-285, L.O.F.). However, the statutory framework may need to be revised, consistent with the State Constitution and judicial precedent.

PROJECT OBJECTIVE(S):

The purpose of this interim project is to comprehensively review the statutes to reflect the creation of the Board of Governors of the State University System and to make recommendations to revise the statutes to conform to the State Constitution and case precedent, if required.

METHODOLOGY:

Committee staff will conduct a comprehensive review of the statutes and solicit input from the Board of Governors, the university boards of trustees, and interested stakeholders for suggested recommendations to revise the statutes in accordance with the State Constitution and case law.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Charter School Approval by the Florida Schools of Excellence Commission

DATE DUE: N/A

PROJECT NUMBER: 2007-344

BACKGROUND and DESCRIPTION:

As the sole entities identified in statute as sponsors of charter schools, current law authorizes only district school boards and state universities to approve all charter school applications. The 2006 Florida Legislature passed a bill that creates an alternative avenue for approval of charter school applications. Section 1002.335, F.S., establishes the Florida Schools of Excellence Commission (FSE) as an independent, state-level commission to review charter school applications. The State Board of Education is required to supervise the FSE, and the FSE is to operate in conjunction with the Florida Department of Education. In addition to authorizing and sponsoring charter schools, the FSE also has the power to authorize municipalities, state universities, community colleges, and regional educational consortia to serve as charter school cosponsors.

FSE authority exists statewide, except for those geographic areas in which the district school board has retained exclusive authority over its jurisdiction. To do so, the district school board is required to submit a written resolution to the State Board of Education, which indicates the intent to retain exclusive authority, and includes various representations of fair and equitable treatment towards charter school applicants.

Section 1002.335, F.S., encourages, but does not mandate, that the FSE convene its first meeting by October 1, 2006. The new law takes effect July 1, 2006.

PROJECT OBJECTIVE(S):

The purpose of this interim project is to monitor the activity of the Florida Schools of Excellence since passage of this bill.

METHODOLOGY:

As a monitoring project, committee staff will contact the Florida Schools of Excellence, the State Board of Education, and the Department of Education, and research participation to date.

INTERIM MONITOR PROJECT TITLE:***Implementation of Co-Teaching Strategies under Class Size Reduction Requirements*****DATE DUE:** N/A**PROJECT NUMBER:** 2007-345**BACKGROUND and DESCRIPTION:**

The 2006 Legislature overturned the State Board of Education's policy to prohibit the use of co-teaching or team teaching strategies for purposes of class size calculations beginning in FY 2006-2007 (CS/HB 7087). School districts may continue to use teaching strategies, including co-teaching (an additional teacher in the classroom), if the strategies were used prior to July 1, 2005. Co-teaching and other strategies may be implemented after July 1, 2005, but only for specified purposes and subject to certain requirements. The State Board of Education recently modified its co-teaching policy to reflect the provisions of the 2006 legislation.

PROJECT OBJECTIVE(S):

The project's purpose is to monitor the impact of the changes made by the Legislature for co-teaching and other teaching strategies.

METHODOLOGY:

Committee staff activities will include the following:

- Consult with school districts and the Department of Education to obtain information related to the use of co-teaching and additional teaching strategies.
- Monitor the adoption of related administrative rules, if any, and review other related information as available.

INTERIM MONITOR PROJECT TITLE:***Implementation of the Voluntary Prekindergarten Education Program*****DATE DUE:** N/A**PROJECT NUMBER:** 2007-346**BACKGROUND and DESCRIPTION:**

In 2002, Florida voters approved a Constitutional amendment to require the creation of free, universal, voluntary prekindergarten for all 4-year-olds in the state. In December 2004, the Florida Legislature enacted legislation to implement the Voluntary Prekindergarten Education Program (VPK), ch. 2004-484, L.O.F., in accordance with ss. 1(b) and 1(c), Art. IX of the Florida Constitution. The law assigns day-to-day management of VPK to the Agency for Workforce Innovation (AWI). Local early learning coalitions are required to manage the program and provide access to VPK services through public and private providers with which they contract. The Department of Education (DOE) is required to create standards, curricula, and accountability for the VPK program, while the Department of Children and Families oversees licensing and credentialing for the program. School districts may limit the number of students admitted to a public school prekindergarten. However, the law requires each school district to provide for the admission of every eligible child within the district whose parent

enrolls the child in a public school prekindergarten summer program. This requirement for the summer program is being implemented in the summer of 2006.

PROJECT OBJECTIVE(S):

In conjunction with the Senate Commerce and Consumer Services Committee, monitor the implementation of the Voluntary Prekindergarten Education Program to identify any issues that may require legislative action.

METHODOLOGY:

In conjunction with the Senate Commerce and Consumer Services Committee, monitor rule development by AWI. In addition, committee staff will communicate with representatives from AWI's Office of Early Learning, early learning coalitions, and the DOE regarding the implementation of the program.

INTERIM MONITOR PROJECT TITLE:

Secondary School Reform

DATE DUE: N/A

PROJECT NUMBER: 2007-347

BACKGROUND and DESCRIPTION:

The 2006 Legislature passed the A++ plan to require substantive changes to Florida's secondary schools (CS/HB 7087). The A++ legislation is based on research findings outlined in a recent Senate Interim Project and recommendations of the Commissioner of Education's 2005 High School Reform Task Force.

The primary requisites for reform include academic rigor and relevance in the middle grades, including comprehensive career exploration and development of long-range academic plans and increased rigor and relevance at the high school level with opportunities for students to select major and minor areas of concentrated interest. District and school-based professional development plans must reinforce and sustain secondary reform efforts and principal leadership training must enhance the principal's role as the instructional leader in redesigning secondary schools.

PROJECT OBJECTIVE(S):

The purpose of the project is to monitor school district implementation of reform efforts at the middle and high schools.

METHODOLOGY:

Committee staff will monitor school district and Department of Education implementation of secondary reform efforts and consult with interested stakeholders to identify successful implementation and barriers to implementation of secondary school reform.

INTERIM MONITOR PROJECT TITLE:
Supplemental Educational Services

DATE DUE: N/A

PROJECT NUMBER: 2007-348

BACKGROUND and DESCRIPTION:

Under the federal No Child Left Behind Act, low-income students are eligible for supplemental educational services if they attend schools that receive Title I funds, but have not met specific requirements. Supplemental services consist of tutoring, remediation, and academic intervention to increase student achievement, particularly in reading and mathematics. The Florida Department of Education (DOE) has recently issued a request for applications for potential service providers for the 2006-2007 school year.

Legislation passed during the 2006 legislative session includes procedures that school districts must follow to notify parents regarding eligibility for services, procedures for contracting with providers, and school district responsibilities for enrolling students. The DOE must establish a committee of practitioners to review proposed rules and policies for consideration by the State Board of Education. The committee must annually report to the presiding officers of the Legislature and the Governor January 1.

PROJECT OBJECTIVE(S):

The purpose of this project is to monitor the implementation of the provisions in the legislation for parental notification of services, service provider contracts, school district responsibilities, and the committee of practitioners.

METHODOLOGY:

Committee staff's activities for this project will include the following:

- Review action plans, contracts, reports, data, and other documentation pertaining to the provision of supplemental educational services.
- Review the report of the committee of practitioners.
- Monitor the development of administrative rules, if any, by the State Board of Education to implement the supplemental educational services provisions.

INTERIM MONITOR PROJECT TITLE:
S.T.A.R. Teacher Performance Pay Program

DATE DUE: N/A

PROJECT NUMBER: 2007-349

BACKGROUND and DESCRIPTION:

The 2006-2007 General Appropriations Act includes \$147.5 million to support the Special Teachers Are Rewarded (S.T.A.R.) teacher performance pay plan to reward instructional personnel for exceptional performance. In order to be eligible to receive S.T.A.R. funds, a school district must submit to the Department of Education a plan for review and approval to include personnel evaluations based

on student achievement. All district S.T.A.R. plans must include eligibility guidelines, the number of potential performance pay awards, and the evaluation methodology for measuring student performance.

PROJECT OBJECTIVE(S):

The purpose of the project is to monitor program proposals, the review and approval process by the Department of Education, and promising district developed policies that potentially could be shared statewide.

METHODOLOGY:

Committee staff activities will include, in coordination with the Senate Committee on Education Appropriations, the following:

- Monitor the review and approval process by the Department of Education.
- Consult with school districts and interested stakeholders to assess initial implementation of plans and the awarding of performance pay.

INTERIM MONITOR PROJECT TITLE: <i>Student Athlete Recruiting</i>
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DATE DUE: N/A

PROJECT NUMBER: 2007-350

BACKGROUND and DESCRIPTION:

Legislation was enacted during the 2006 legislative session to delay the effective date until July 1, 2007, for implementing the Florida High School Athletic Association's (FHSSA) revised bylaws relating to the residence and transfer of student athletes. The legislation creates a student athlete recruiting task force to review issues related to recruiting secondary school student athletes. The task force's recommendations must be submitted to the presiding officers of the Legislature and the Governor by January 1, 2007. In addition, the Office of Program Policy Analysis and Government Accountability (OPPAGA) is tasked with independently reviewing secondary school recruiting violations among FHSSA's member schools.

PROJECT OBJECTIVE(S):

The purpose of the project is to monitor the provisions of HB 7119 relating to the creation of the student athlete recruiting task force and OPPAGA's review of recruiting violations.

METHODOLOGY:

Committee staff's activities include the following:

- Monitor the proceedings of the student athlete recruiting task force whose members are appointed by the presiding officers of the Legislature and the Governor.
- Review and analyze the recommendations made by the task force and OPPAGA.

Education Appropriations

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Impact of the General Appropriations Act on Local Educational Institutions

DATE DUE: October 1, 2006

PROJECT NUMBER: 2007-117

BACKGROUND and DESCRIPTION:

This report is a district and institutional level summary of the impact of the General Appropriations Act showing allocations of appropriations to each community college, university and school district. The report is produced annually by the Senate Education Appropriations staff as a resource to members, aides, agency staff, and the general public.

PROJECT OBJECTIVE(S):

The purpose of the report is to provide quick reference for Senators and aides on education funding specifics for all delivery areas of the state's educational system, and to provide answers to frequently asked questions about the financing of education in Florida. The project will continue the printing and distribution of the post-session report in book form. The report will also be available through the Senate website.

METHODOLOGY:

Last year's Senate post-session education publication will be reviewed to determine whether all types of information previously included are still useful or should be modified or enhanced. Once this determination is made, appropriations staff will work with DOE staff as allocations of state appropriations to various institutions and/or school districts are made. These allocations will be checked for consistency with the General Appropriations Act as the post-session book is prepared. Adjustments to the information will be made following Governor's vetoes.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Implementation of Programs Relating to Postsecondary Education

DATE DUE: N/A

PROJECT NUMBER: 2007-351

BACKGROUND and DESCRIPTION:

In part, this legislation establishes the 21st Century World Class Scholars Program, the Centers of Excellence Program, and the State University System Research and Economic Development Program. \$95 million is appropriated in HB 1237 for these three programs.

PROJECT OBJECTIVE(S):

This interim project will monitor the processes which result in the allocation of appropriated funds to these three new programs and the accountability provisions adopted by the Board of Governors to track the use of funds and associated project outcomes.

METHODOLOGY:

Staff will monitor meetings of the Board of Governors and the Florida Technology, Research, and Scholarship Board relating to these three programs.

INTERIM MONITOR PROJECT TITLE:

Revised Full-Time-Equivalent Capping Process in the Florida Education Finance Program

DATE DUE: N/A

PROJECT NUMBER: 2007-352

BACKGROUND and DESCRIPTION:

House Bill 5005 revised the capping procedure for weighted full-time-equivalent (FTE) students for funding through the Florida Education Finance Program (FEFP). Historically, the weighted FTE which were reported for funding during the school year were capped at the level at which they were funded in the FEFP appropriation. Weighted FTE in excess of the cap were not funded. The revised procedure allows for excess weighted FTE above the cap to be funded at a weight of 1.0. Weighted FTE for students in four programs are affected: English for Speakers of Other Languages; Exceptional Student Education Levels 4 and 5; and Career Education.

PROJECT OBJECTIVE(S):

The project objective is to determine the effect of the revised capping process on district funding.

METHODOLOGY:

Staff will participate in the FEFP calculation process, including the revised capping procedure. The prevalence of FTE in the affected programs for FY 2005-2006 will be compared with the prevalence of FTE in the affected programs for FY 2006-2007 will be compared. In addition, for FY 2006-2007, capping will be calculated using both the former and the revised capping procedures to determine the effect of revised capping on funding.

Environmental Preservation

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Offshore Drilling: A Review of the Federal Process

DATE DUE: November 1, 2006

PROJECT NUMBER: 2007-118

BACKGROUND and DESCRIPTION:

This country's dependence on non-domestic sources of oil and gas has again become a cause for concern due to the recent impact of hurricanes and various factors occurring in foreign countries. In response, the federal government and Congress have indicated a desire to expand drilling operations in the Gulf of Mexico.

Historically, no drilling has been allowed in areas off the coast of Florida. This prohibition was enacted through a series of moratoria and presidential orders. Recently, the United States Department of Interior started a process to open up an area for drilling located south of Pensacola. Many believe, as evidenced by the on-going debate in Congress, that the opening of this area is a precursor to efforts to open up vast stretches of the Gulf of Mexico and bring drilling operations into waters directly off the state's coast.

PROJECT OBJECTIVE(S):

The project will detail the federal process utilized to identify and lease off-shore areas for drilling. A detailed report of current laws and rules governing federal actions will be presented. In addition, research will be undertaken to determine what other states have done from a statutory perspective to deal with this issue.

The objective is to provide a document that can be utilized to provide a fundamental education of what the state faces should additional areas in the Gulf of Mexico become available for drilling operations. At this point, it is not anticipated that this report will contain policy recommendations. If Congress does complete legislative work on this issue during the interim study period, recommendations on state policy options may be included.

METHODOLOGY:

Committee staff will conduct legal research of current federal laws and rules relating to off-shore oil drilling, and will conduct interviews with the respective federal agencies involved in this process.

Committee staff will contact legislative counterparts in states that have a history of off-shore oil drilling.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Everglades Restoration Progress

DATE DUE: N/A

PROJECT NUMBER: 2007-353

BACKGROUND and DESCRIPTION:

The state is currently partnering with the federal government and the South Florida Water Management District in a multi-billion dollar restoration of the Everglades. A critical component of this restoration effort is the achievement of certain pollutant reduction standards. There are numerous lawsuits on-going as a result of these standards and the efforts of the South Florida Water Management District, the state, and the federal government to attain them.

PROJECT OBJECTIVE(S):

To monitor various legal decisions and activities as they relate to the state's responsibilities under the Everglades Forever Act and the Comprehensive Everglades Restoration Plan.

METHODOLOGY:

Committee staff will continue discussions with the Department of Environmental Protection and the South Florida Water Management District concerning legal and legislative efforts.

INTERIM MONITOR PROJECT TITLE:

Lake Okeechobee – Herbert Hoover Dike Status

DATE DUE: N/A

PROJECT NUMBER: 2007-354

BACKGROUND and DESCRIPTION:

Following two years of heavy seasonal rainfall and multiple hurricanes, the South Florida Water Management District commissioned an independent, expert review panel to review federal documents related to the structural integrity of the Herbert Hoover Dike surrounding Lake Okeechobee. The panel found that the dike does not meet current dam safety criteria. The primary area of concern is seepage-related erosion. Though the U.S. Army Corps of Engineers operates a continuous repair program, the erosion is impacting the dike's structural integrity. The panel determined that if this issue is not addressed the possibility of multiple breaches is increased.

To this end, the panel made a series of recommendations. Included in these were: fast-track critical repairs; modify the regulatory schedule of the lake level; re-evaluate current flood inundation maps; and update emergency preparations and evacuation plans.

PROJECT OBJECTIVE(S):

Staff will monitor progress on the implementation of the panel's recommendations.

METHODOLOGY:

Staff will request necessary briefings as needed.

INTERIM MONITOR PROJECT TITLE:

Babcock Ranch Florida Forever Acquisition

DATE DUE: N/A

PROJECT NUMBER: 2007-355

BACKGROUND and DESCRIPTION:

The Legislature enacted HB 1347 during the 2006 Regular Session to appropriate \$310 million for the acquisition of the Babcock Crescent B Ranch, to create a non-profit corporation to operate and manage portions of the ranch when the state is ready to take over management; and to authorize the creation of a single citizen support organization to be operated for the direct and indirect benefit of the ranch. An additional \$50,000 is appropriated for the benefit of the corporation.

The legislation directs that the non-profit, to be known as Babcock Ranch, Inc., shall be created and its Board of Directors appointed no later than 90 days after the acquisition of the ranch. Under the provisions of the legislation, the acquisition will occur as a single purchase during the upcoming fiscal year. The citizen support organization may be created at any time after the acquisition but must be approved to operate by the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services. Further, the bill requires the current managers to submit their management and business plans to the appropriate state agencies on or before the state takes title to the land.

PROJECT OBJECTIVE(S):

To monitor and review the acquisition process, the creation of the non-profit corporation, and submission of the required plans.

METHODOLOGY:

Staff intends to request the necessary briefings from state agencies as needed.

INTERIM MONITOR PROJECT TITLE:

Alternative Water Supply Development - Funding and Implementation

DATE DUE: N/A

PROJECT NUMBER: 2007-356

BACKGROUND and DESCRIPTION:

During the 2005 Regular Session, the Legislature created the Water Protection and Sustainability Program to, in part, provide state funds and substantive criteria for the alternative water supply development program created in s. 373.1961, F.S. The alternative water supply program, aside from providing project selection guidelines, requires that the water management districts provide an equal match to the state funds for the purpose of providing up to 40 percent of the total construction costs of alternative water supply development projects for qualifying applicants. In fiscal year 2005-2006, the Legislature appropriated \$100 million for alternative water supply project construction costs to generate \$400 million in matching funds for alternative water supply development projects. During the 2006 Regular Session, the Legislature appropriated \$60 million for alternative water supply project construction costs which should generate \$240 million in matching funds for alternative water supply development projects.

PROJECT OBJECTIVE(S):

This project will monitor implementation of the state's alternative water supply development program by the water management districts.

METHODOLOGY:

Committee staff will monitor actions taken by the water management districts in implementing the alternative water supply program by reviewing appropriate district documents which shall include those rules and procedures adopted for the program and any governing board actions that involve project selection.

INTERIM MONITOR PROJECT TITLE:

Implementation of Northwest Florida Water Management District Environmental Resource Permitting Program

DATE DUE: N/A

PROJECT NUMBER: 2007-357

BACKGROUND and DESCRIPTION:

HB 7163 authorized the implementation of a phased Environmental Resource Permitting Program within the Northwest Florida Water Management District. As a part of implementing this program, the Department of Environmental Protection and the district are required to jointly develop rules. The initial rulemaking process must begin no later than 60 days from July 1, 2006. In addition to the rulemaking directives contained in the legislation, the bill appropriated \$2.74 million for the implementation of the program.

PROJECT OBJECTIVE(S):

To monitor the activities of the district and the department with regard to the rulemaking process provided for in the legislation and to also monitor the district's use of the appropriation.

METHODOLOGY:

Staff will monitor the rulemaking process and review district expenditures.

Ethics and Elections

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Revision of Gubernatorial Appointment Biographical Questionnaire

DATE DUE: November 1, 2006

PROJECT NUMBER: 2007-119

BACKGROUND and DESCRIPTION:

The Florida Senate has the constitutional responsibility to confirm numerous executive appointments made by the Governor. Last session, the committee processed over 500 appointments to executive agencies, boards, and commissions.

The Senate process for confirming an appointee begins when the Department of State forwards a copy of the Governor's certificate of appointment and the appointee's completed biographical questionnaire to the President of the Senate. The biographical questionnaire is the foundation upon which an extensive background check of the gubernatorial appointee is made. The questionnaire contains personal and professional information (current employment, former employment, professional affiliations and/or associations, etc.) useful to staff in identifying possible conflicts of interest, dual office holding situations, and other problems with the appointment. It also helps verify that the appointee meets the statutory requirements for the position he or she has been appointed to fill.

Often, however, the appointee's answers on the questionnaire are confusing or incomplete. A significant amount of committee effort and resources are expended to clarify or obtain necessary information. Clarifications or corrections to the biographical questionnaire must then be *notarized*, further slowing the confirmation process.

PROJECT OBJECTIVE(S):

The purpose of the project is to revise the biographical questionnaire to obtain more timely and accurate information, by removing ambiguities in the form and providing clearer directions to the appointee; to modify the procedure for making changes to information provided on the form; and, ultimately, to reduce the processing time for each appointment.

METHODOLOGY:

The committee's executive appointment staff will identify recurring information problems, ambiguous directions, and confusing aspects of the questionnaire's design, and will identify possible solutions. Staff will redesign the form, as necessary, with assistance and input from the Secretary of the Senate's office and the Office of Legislative Information. Committee staff also expects to meet with staff from the Governor's appointments office and the Secretary of State's office, to discuss proposed revisions.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

<i>2006 Election Cycle</i>

DATE DUE: N/A

PROJECT NUMBER: 2007-358

BACKGROUND and DESCRIPTION:

Florida's election administration system has undergone dramatic change since the 2000 presidential recount. The genesis of much of this change dates back to the Florida Election Reform Act of 2001 and the Help America Vote Act of 2002 ("HAVA"), its federal counterpart. Several concepts including provisional ballots, early voting, the implementation of new voting technology, new requirements for absentee ballots, and others are still very much in their infancy. For example, 2006 will be the first year that over 40 counties will be dealing with touch screen voting machines for disabled voters, mandated by both HAVA and Florida law.

In addition, the 2005 Legislature passed several election administration laws that will have their initial impact in the 2006 cycle. Some particularly noteworthy changes include: expanding the "no-solicitation" zone outside polling places from *50 to 100 feet*; permitting electors casting a provisional ballot to provide written evidence of eligibility *up to 3 days after* election day; changing the timing and the requirements for early voting facilities; allowing a challenge, *within 30 days*, of an election to the right of a voter to cast a ballot; and, regulating the activities of third-party voter registration organizations.

While every Florida statewide election presents new challenges, the 2006 election cycle is likely to give rise to several issues that may require statutory fixes.

PROJECT OBJECTIVE(S):

The purpose of the project is to assess the efficacy of Florida election administration laws and to identify any specific issues that may need to be addressed in the 2007 legislative session.

METHODOLOGY:

Committee staff will discuss any problems that arise in connection with the 2006 elections with staff of the Division of Elections, the supervisors of elections, and interested parties, as appropriate. Staff will also review media reports and post-election reports by election officials and other parties, where necessary, to identify areas of concern. Finally, staff will identify any issues appropriate for consideration during the 2007 session.

INTERIM MONITOR PROJECT TITLE:

Implementation of the Florida Voter Registration System

DATE DUE: N/A

PROJECT NUMBER: 2007-359

BACKGROUND and DESCRIPTION:

The 2006 election cycle will see the introduction of the Division of Elections' *Florida Voter Registration System* ("FLVRS"), a statewide voter registration database mandated by the federal Help America Vote Act of 2002. FLVRS will be the *official* voter registration database for both federal and state elections in Florida in 2006 and thereafter. This represents a historic shift in responsibility for overseeing the eligible voter lists, which have traditionally been maintained at the county level by local supervisors of elections. In practice, however, each county supervisor will be working extensively with the division to maintain and update the voter list for his or her county.

FLVRS represents Florida's *third-generation* statewide voter registration database. Both earlier versions proved problematic with respect to identifying former felons whose civil rights had not been restored and were therefore ineligible to vote.

The central voter file, Florida's first-generation database, was authorized by the Legislature in 1998 to identify and purge ineligible voters (i.e., deceased voters, voters registered in multiple Florida counties, former felons whose civil rights had not been restored). For several reasons, including the fact that the division's parameters for identifying former felons were too broad, an unknown number of eligible voters could not cast a ballot in the 2000 elections.

Seeking to remedy the problems with the first database, the 2001 Legislature authorized a *second-generation* statewide voter registration database. Again, problems arose with implementation of the former felon component of the database. In 2004, the Secretary of State decided not to implement that component for the 2004 elections after media reports identified a major glitch in the system's data design that resulted in a failure to identify most ineligible *Hispanic* ex-felons.

PROJECT OBJECTIVE(S):

The purpose of the project is to monitor the division's implementation of FLVRS, particularly with respect to the felon voting component of the database, and to identify any specific issues that may need to be addressed in the 2007 legislative session.

METHODOLOGY:

Committee staff will discuss any problems that arise in connection with the database with staff of the Division of Elections, the supervisors of elections, and interested parties, as appropriate. Staff will also review media reports and post-election reports by election officials and other parties, where necessary, to identify areas of concern. Finally, staff will identify any issues appropriate for consideration during the 2007 session.

INTERIM MONITOR PROJECT TITLE:

Lobbyist Disclosure Guidelines

DATE DUE: N/A

PROJECT NUMBER: 2007-360

BACKGROUND and DESCRIPTION:

For many years, Florida lobbyists have been required to register and report lobbying expenditures with either the Legislature (legislative lobbyists) or the Florida Commission on Ethics (executive branch lobbyists).

The Florida Legislature recently enacted legislation overhauling the registration and reporting requirements for legislative and executive lobbyists, mandating for the first time that lobbying compensation be reported quarterly in lieu of expenditures and making other substantive changes (Ch. 2005-359, Laws of Fla.). It authorized the Joint Legislative Auditing Committee to designate 10 “independent contract auditors” to randomly audit the quarterly compensation reports of three percent (3%) of lobbying firms annually, at state expense. Final audit reports are to be forwarded to the President of the Senate and Speaker of the House (for legislative lobbying firms) and the Florida Commission on Ethics (for executive branch lobbying firms) for disposition.

The new law also requires the Internet-based *electronic* filing of compensation reports, beginning with the first quarterly report for 2007 (paper filing is required for the 2006 reporting period).

The Senate and House have adopted Rules (Senate Rule 9.8) and interim guidelines, respectively, to provide “assistance to persons seeking to comply with the letter and spirit of the new law as it applies in the legislative context.” The Commission on Ethics has adopted Rule 34-12, F.A.C., which implements provisions of the new law, and will be looking at more rules and rule changes in the fall and early 2007.

There have been a number of lobbyist questions with respect to precisely what constitutes “compensation” and how to properly allocate it between legislative and executive branch reporting, presumably when the compensation agreement with a client involves both legislative and executive lobbying components. Also, the question of whether there is a need for separate reporting has arisen.

PROJECT OBJECTIVE(S):

The purpose of the project is to assess the efficacy of the new requirements for the reporting of compensation by legislative and executive lobbyists imposed by the legislation overhauling the reporting of lobbying fees and compensation paid by principals to lobbyists.

METHODOLOGY:

Committee staff will meet with staff of the Office of Legislative Services and the Florida Commission on Ethics, and interested parties, to discuss their experience with the new reporting requirements and any problems that have arisen in connection with the implementation of the compensation reporting requirements of the new legislation and, where necessary, identify areas of concern. Staff will also identify any issues appropriate for consideration during the 2007 legislative session.

General Government Appropriations

INTERIM PROJECTS

(None)

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE: <i>Hotel and Restaurant Inspections</i>
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DATE DUE: N/A

PROJECT NUMBER: 2007-361

BACKGROUND and DESCRIPTION:

The 2006-2007 General Appropriations Act (GAA) includes proviso language for the Department of Business and Professional Regulation (department) requiring that specific data be collected and reported relating to the status of hotel and restaurant inspections. The department is required to report quarterly to the Executive Office of the Governor, the chair of the Senate Ways and Means Committee, the chair of the House Fiscal Council, the Senate Regulated Industries Committee, the House Business Regulation Committee, and the Office of Program Policy Analysis and Government Accountability (OPPAGA) on the responsibilities defined in ch. 509, F.S. The quarterly report must include: the number of active food and lodging establishments and lodging licenses; the number and percentage of food and lodging establishments and apartments not inspected since the beginning of the fiscal year; and the number and percentage of food and lodging establishments inspected twice since the beginning of the fiscal year.

The proviso language also directs the department to monitor and evaluate all technical enhancements made to the personal digital assistants (PDAs) used by the Division of Hotels and Restaurants' inspection staff. A biannual progress report must include: the specific technical enhancements that have been made or are planned to be made during the fiscal year; the implementation schedule for such enhancements, including planned field tests; the training provided to division staff on the use of the enhanced PDAs; and productivity improvements experienced due to the enhanced PDAs.

The GAA provides 12 additional positions to assist the division in meeting the statutorily required number of inspections for public food and public lodging facilities. Additional resources were also provided for the replacement of motor vehicles for the division.

OPPAGA conducted an audit of the division and reported findings in November 2005. The report recommended that the division and the Legislature take several actions to increase the number of food and lodging inspections. These include:

- Ensure success of PDA enhancements.
- Hire more inspectors.
- Streamline the enforcement process.
- Redesign the division's website.
- Improve performance measures to better reflect core mission goals.

PROJECT OBJECTIVE(S):

The objective of the project is to monitor the number of hotel and restaurant inspections, to ensure that public food and lodging establishments are inspected at least twice a year pursuant to s. 509.032(2), F.S.

METHODOLOGY:

Staff of the General Government Appropriations and the Regulated Industries committees and OPPAGA will collect and analyze quarterly report data provided by the agency and make recommendations for the 2007 legislative session for improving the number of inspections.

INTERIM MONITOR PROJECT TITLE:

Master Transition Plan for the Florida Facilities Pool

DATE DUE: N/A

PROJECT NUMBER: 2007-362

BACKGROUND and DESCRIPTION:

The Department of Management Services (department) is responsible for the operation and maintenance of state-owned facilities as defined in s. 255.506, F.S., commonly referred to as the Florida Facilities Pool (facilities pool). Agencies occupying space within the facilities pool are charged rent based on the amount of square footage occupied. The department sets the rental rate at an amount sufficient to cover the costs of the facilities pool. Additionally, the bond covenants for the facilities pool require that gross revenues be sufficient to cover the aggregate of 110% of debt service requirements, 100% of capital depreciation reserve requirements, and 100% of operations and maintenance requirements.

The department is also responsible for oversight of the decentralized process used by agencies to lease private office space. The department must review and approve agency estimates of space needs and proposed lease conditions. As the department is responsible for management of the facilities pool and oversight of the process for leasing private office space, the Legislature has directed the department to conduct various financial reviews of the facilities pool and assessments of public and private sector office space.

The department has established the Workspace Management Initiative to reduce costs, improve space quality, and promote optimum space use. For long-term planning purposes, numerous factors, such as facilities pool assets, outstanding debt, capital deficiencies, rental revenues, operations and maintenance costs, vacancy percentage, and the impact of the department's Workspace Management Initiative, must be analyzed to determine the strategic management direction for the facilities pool.

The 2006-2007 General Appropriations Act provides the following funding and proviso requirements for the department's Facilities Management Program, which manages the facilities pool.

- \$2,444,562 to increase the rental rate from \$15.84 per square foot to \$16.29 per square foot. These funds are distributed to agencies occupying space in the facilities pool. In addition, the 2005-2006 General Appropriations Act provided \$6,304,228 for a rental rate increase.
- \$117.7 million for site development and construction of office buildings for the Department of Revenue on Parcel 2 of the Capital Circle Office Complex. The department is directed to prepare and submit a Master Transition Plan by March 1, 2007, to address the occupancy of the new buildings and the strategy for backfilling or eliminating vacated state-owned and privately-leased space in Leon County. The 2005-2006 General Appropriations Act provided \$1 million for the department to initiate the planning and design phase.
- \$250,000 in salary and benefits funding, reserved pending the department's implementation of a revised organizational structure for the Division of Facilities Management and Building Construction.

In addition, the 2006-2007 Appropriations Implementing Bill includes provisions to strengthen legislative oversight for the facilities pool and incorporates recommendations from the Office of Program Policy Analysis and Government Accountability's (OPPAGA) Report No. 06-06, on the department's Workspace Management Initiative. The bill also requires the department to submit reports to the Executive Office of the Governor and to the Legislature by September 15, 2006.

PROJECT OBJECTIVE(S):

The objective of this project is to monitor the required Master Transition Plan to increase the occupancy percentage and rental revenues for buildings in the Florida Facilities Pool. The project will monitor reporting on facilities pool and leasing actions required by the 2006 Appropriations Implementing Bill. In addition, the project will monitor the progress on planning and design, site and infrastructure development, and construction on Parcel 2 at the Capital Circle Office Complex, which will enable the state to meet the reverter clause on the St. Joe Company land.

METHODOLOGY:

Staff of the General Government Appropriations and the Governmental Oversight and Productivity committees and OPPAGA will work with department staff to make recommendations for the 2007 Legislative Session, to ensure that the rental rate charged for facilities pool space is sufficient to meet outstanding obligations of the facilities pool and bond covenant requirements.

INTERIM MONITOR PROJECT TITLE:

Citrus Health Response Plan

DATE DUE: N/A

PROJECT NUMBER: 2007-363

BACKGROUND and DESCRIPTION:

In September 1995, the bacterial disease citrus canker was discovered in a residential area near the Miami International Airport. Initial surveys showed the disease had spread to citrus trees in an area of 50 square miles. The size and scope of the Citrus Canker Eradication Program (CCEP) expanded as the disease spread to large portions of South Florida. Despite significant state and federal efforts, a combination of program delays from legal challenges to the CCEP and unprecedented hurricane

activities in 2004 and 2005 allowed the disease to spread to the point where eradication was no longer considered feasible by the U.S. Department of Agriculture (USDA). In 2005, another serious citrus disease, called huanglongbing (citrus greening), was detected in South Florida. This disease causes rapid decline in citrus trees.

Due to the establishment of citrus canker and citrus greening in Florida, the USDA concluded there would be a need to look at approaches other than eradication to help protect Florida's citrus production. The new approach is a Citrus Health Response Plan (CHRP), which concentrates on the development and implementation of minimum standards for citrus inspection, regulatory oversight, disease management, and education and training. The USDA Animal and Plant Health Inspection Services assumed the leadership role in the development of the CHRP. A study group was formed by the Florida Department of Agriculture and Consumer Services, Florida Citrus Mutual, the University of Florida Institute of Food and Agricultural Sciences, the USDA Research Services, and the California Citrus Research Board. The CHRP is currently in draft form.

The 2006 Legislature passed Senate Bill 994, which appropriates \$26.7 million to the Department of Agriculture and Consumer Services for the 2006-2007 fiscal year, to implement the CHRP in order to minimize the impact of citrus pests and diseases to Florida's citrus production.

PROJECT OBJECTIVE(S):

The objective of this project is to monitor the implementation of the Citrus Health Response Plan and to identify expenditure activities by the Department of Agriculture and Consumer Services.

METHODOLOGY:

Staff of the General Government Appropriations Committee will work with staff of the Senate Agriculture Committee to monitor the activities and spending plan of the Department of Agriculture and Consumer Services as they relate to the Citrus Health Response Plan.

Government Efficiency Appropriations

INTERIM PROJECTS

INTERIM PROJECT TITLE:

2007 Florida Tax Handbook Including Fiscal Impact of Potential Changes

DATE DUE: March 1, 2007

PROJECT NUMBER: 2007-120

BACKGROUND and DESCRIPTION:

The Florida Tax Handbook Including Fiscal Impact of Potential Changes is published annually by the Senate Government Efficiency Appropriations Committee, with assistance from the House Committee on Finance and Tax, the Office of Economic and Demographic Research, and the Office of Tax Research of the Department of Revenue. The Handbook reviews Florida state finances, providing statutory and administrative authority for all specific revenue sources, and providing 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.

PROJECT OBJECTIVE(S):

The main objective of this project is to publish, prior to the 2007 Legislative Session, the 2007 Florida Tax Handbook Including Fiscal Impact of Potential Changes. In addition, this project will document the process by which the Handbook is produced and new Government Efficiency Appropriations Committee staff will be trained in order to pass on publishing responsibility.

METHODOLOGY:

Coordinate the publication of the 2007 Florida Tax Handbook Including Fiscal Impact of Potential Changes which is produced collectively by the staffs of the Senate Government Efficiency Appropriations Committee, the House Committee on Finance and Tax, the Office of Economic and Demographic Research, and the Office of Tax Research of the Department of Revenue. Oversee changes, review document for accuracy, and prepare for printing. Train new staff to take over the production of the Handbook.

Data for the Handbook is derived from the 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:

Government Efficiency Initiative

DATE DUE: October 1, 2006

PROJECT NUMBER: 2007-121

BACKGROUND and DESCRIPTION:

SB 1716 implements the Government Efficiency Task Force which will be mandated by the Florida Constitution if the voters approve the budget reform amendment called for by SJR 2005-2144. The task force will convene in 2007, and every 4 years thereafter, to make recommendations to improve government and reduce costs. The 15 member task force will be composed of members of the legislature and representatives of the public and private sectors. Task force members will be chosen based on their knowledge and expertise in the issue areas identified by the legislature for review by the Office of Program Policy Analysis and Government Accountability (OPPAGA). The task force is to complete its work within one year.

In addition, HB 1123 provides for an eight-year review process of state agencies and their advisory bodies. It allows for joint or separate Legislative Sunset Advisory Committees to advise the Legislature regarding the agency sunset reviews required by the act. OPPAGA is to conduct a program evaluation and justification review of each agency pursuant to the schedule set out in the act. With the creation of the advisory committee and its focus on specific agencies, ideally the task force would be used to address issues that impact more than one agency or policy area. The creation of both entities will also require a great deal of coordination to ensure they do not duplicate efforts and make the best use of OPPAGA's resources.

PROJECT OBJECTIVE(S):

This interim project will develop a proposal for the implementation of the Government Efficiency Task Force upon approval of the voters in the November general election.

METHODOLOGY:

Consult with executive and legislative staff to develop recommendations for joint rules for implementing the task force, identify potential issue areas that cross policy areas for consideration by the task force, and screen potential task force candidates.

INTERIM PROJECT TITLE:

An Overview of Florida's Insurance Premium Tax

DATE DUE: October 1, 2006

PROJECT NUMBER: 2007-122

BACKGROUND and DESCRIPTION:

The insurance premium tax is the fourth-largest source of general revenue, and also funds police and firefighter pensions and activities of the Department of Financial Services. In recent legislative sessions many insurance premium tax credits and rate reductions have been proposed.

PROJECT OBJECTIVE(S):

This project will trace the history of the insurance premium tax, and examine how it interacts with other states' taxes on insurance premiums through the retaliatory provisions of the tax. It will list and explain exemptions from and credits against the tax, and evaluate their magnitude. It will also look at various recently proposed changes to the premium tax which have generally attempted to allow more liberal usage of existing credits.

METHODOLOGY:

This project will be based on a review of the statutory history of the insurance premium tax and information obtained from the Florida Department of Revenue about how the tax operates and how much revenue has been collected from it in recent years. Additional information will be obtained from the Department of Financial Services and other agencies, as needed.

INTERIM PROJECT TITLE:

State Revenues Shared With Local Governments: A State-by-State Comparison

DATE DUE: October 1, 2006

PROJECT NUMBER: 2007-123

BACKGROUND and DESCRIPTION:

The State of Florida shares state tax collections with cities, counties, and school districts. In fiscal year 2005-06, such shared revenues equaled \$3.7 billion. The majority of the \$3.7 billion is made up of sales and use tax, gross receipts tax, motor and special fuel taxes, and motor vehicle license tax revenues. The sharing of state revenues with cities and counties began in 1931, with the sharing of 2-cents per gallon of the state's motor fuel tax, which was increased to 4-cents per gallon in 1983. Cities began receiving 2-cents of the state cigarette tax in 1949. In 1971, the Legislature began distributing \$446,500 to counties from pari-mutuel tax revenues, for a total of \$29.9 million annually. The Florida Revenue Sharing Act of 1972 began sharing a portion of the cigarette tax and the motor and special fuel taxes with cities and a portion of the cigarette tax and the intangibles tax with counties. In 1982, the Legislature increased the state sales tax rate from 4% to 5% and created the Half-cent Sales Tax Program, sharing approximately 10 percent of total state sales and use tax collections with both cities and counties.

Sources of shared revenue were changed significantly by the 2000 Legislature. Chapter 2000-173, Laws of Florida, repealed the sharing of intangibles tax revenues with counties and provided for a distribution from sales and use tax to the Revenue Sharing Trust Fund for Counties. Chapter 2000-355, Laws of Florida, restructured the Revenue Sharing Trust Fund for Municipalities, redirecting the cigarette tax that previously funded the trust fund to the General Revenue Fund, and provided a distribution from sales and use tax to the Revenue Sharing Trust Fund for Municipalities.

In 1963, collections of the state gross receipts tax on utilities were earmarked by constitutional amendment for funding capital outlay needs of the universities and community colleges. A 1974 amendment to the state constitution opened up use of these funds to include the capital outlay needs of the public schools. In 1952, a constitutional amendment was passed earmarking from motor vehicle license tax revenues, the amount required to meet fixed capital outlay allocations under the Minimum Foundation Program.

PROJECT OBJECTIVE(S):

This project will present an historical accounting of state revenues shared with local governments and provide a comparison of shared revenues in Florida to shared revenues in other states.

METHODOLOGY:

This project will review the legislative history of the many state revenues that are shared with local governments as well as provide a ten-year history of total tax revenues shared with local governments. In addition, a survey will be conducted of other states in order to compare state revenues shared with local governments in Florida with other states shared revenues.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Court Cases Involving Local Governments and Internet Intermediaries on Whether Tourist Taxes are Due on the Total Price Paid for a Hotel Room By Customers of Internet Intermediaries

DATE DUE: N/A

PROJECT NUMBER: 2007-364

BACKGROUND and DESCRIPTION:

The booking of discounted hotel rooms over the Internet by such organizations as Priceline.com and Expedia.com has skyrocketed over the past several years. Internet intermediaries contract to pay discounted rates to hotels for rooms that are then sold over the Internet to the intermediaries' customers at higher prices. Under current practices, state and local sales tax and local tourist taxes are collected and remitted by the hotels on the discounted rates paid by the Internet intermediaries to the hotels and not on the higher amounts paid by the customers occupying the rooms. As a result, state and local governments are not receiving both sales tax and tourist tax revenues on the markup.

Senate Interim Report 2005-131 "Application of the Tourist Development Tax to the Sale of Discounted Hotel Rooms Over the Internet and the Hotel Rewards Points Program" found that in Florida, tax on transient rentals is due on the *total rental charged for the transient rental* and that the tourist development tax is collected and remitted based on the *total consideration charged for the accommodation*. The project concluded that the current practice of Internet intermediaries remitting taxes on the discounted rate paid by the Internet intermediaries to the hotels and not on the higher amounts actually paid by the consumer occupying the room is in violation of Florida law. As a result of the findings and conclusions, the project recommended that legislation requiring tax be collected and remitted on the total rent charged the customer by the Internet intermediary for the hotel room be considered. No such legislation was considered during the 2005 or 2006 legislative sessions.

As a result of Internet intermediaries continuing the practice of remitting tax only on the discounted room rates, local governments in Florida and in other states that believe they are not receiving all of the taxes due them, have filed suit against the Internet intermediaries.

PROJECT OBJECTIVE(S):

This project will monitor the court cases filed by local governments against the Internet intermediaries.

METHODOLOGY:

Obtain copies of all known complaints filed in Florida and in other states against Internet intermediaries and monitor the progress and outcomes.

INTERIM MONITOR PROJECT TITLE:

Property Tax Study

DATE DUE: N/A

PROJECT NUMBER: 2007-365

BACKGROUND and DESCRIPTION:

HB 7019 (ch. 2006-311, Laws of Florida) directs the Department of Revenue to conduct a study of the state's property tax structure to analyze the impact of the current homestead exemptions and homestead assessment limitations on different types of property. It also directs the Office of Economic and Demographic Research to prepare a report summarizing that study and providing findings and policy options that may be available to the state.

Executive Order 06-141, issued June 21, 2006, creates the Property Tax Reform Committee, which is directed to discuss property tax issues and make recommendations to the Governor, Senate President, and Speaker of the House of Representatives on how to improve property taxation. It is particularly directed to recommend proposed legislation or constitutional amendments. The criteria for these recommendations are similar to those provided in HB 7019.

PROJECT OBJECTIVE(S):

This project will monitor the preparation of this study and report to ensure that they will satisfy the requirements of the legislation and meet the needs of the Legislature in preparing and evaluating potential property tax legislation. It will also monitor the Property Tax Reform Committee.

METHODOLOGY:

Meet with the Department of Revenue and Office of Economic and Demographic Research regularly to assess the progress and direction of these projects and review any draft reports, as they become available. Attend meetings of the Property Tax Reform Committee and review its work papers and recommendations.

Governmental Oversight and Productivity

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Reorganization of Chapter 121, F. S., The Florida Retirement System

DATE DUE: October 1, 2006

PROJECT NUMBER: 2007-124

BACKGROUND and DESCRIPTION:

The Florida Retirement System (FRS) was created in 1970 as the successor entity to four separately created pension plans for state agency and local government employers: ch. 122, F.S., State and County Officers and Employees' Retirement System; ch. 123, F.S., the Judicial Retirement System; ch. 238, F.S., Teachers' Retirement System; and ch. 321, F.S., Highway Patrol, Pension Plan. Created at a time of financial urgency due to the precarious funding status of its predecessors, the FRS has evolved to become the Nation's fourth largest pension plan with the lowest administrative costs and the only one with an excess of assets over liabilities.

Successive legislative changes since 1971 have overlaid many different funding and program attributes to the point that the chapter is difficult to read and even more difficult to use for the many benefit managers who must communicate with their employees on important benefit decisions.

Last year the committee initiated a drafting exercise to update the chapter in cooperation with the Division of Retirement and the Senate's counterpart House committee. At the end of the 2006 session a revised table of definitions was crafted which was embodied in Senate Bill 2264.

PROJECT OBJECTIVE(S):

The project seeks to organize the material which has accumulated over the years to make the location and organization of material more useful for those who use its provisions on a regular basis. No policy changes will be embedded in the recommended final product nor is there any expectation that there will be changes to Parts II or III of the chapter as they deal with the alternative defined contribution plan and the setting of the employer contribution rates.

METHODOLOGY:

The project, begun in 2006, has already established a working relationship with the affected parties that will continue for the current interim period.

INTERIM PROJECT TITLE:

Leasing Authority of the Department of Management Services

DATE DUE: December 15, 2006

PROJECT NUMBER: 2007-125

BACKGROUND and DESCRIPTION:

Sections 255.248 through 255.25, F.S., provide for the responsibilities of state agencies and the Department of Management Services (DMS) with regards to the leasing of space in privately-owned buildings. Leasing of such space was largely decentralized before 2004, in that agencies solicited for such space with prior approval by the DMS of the lease conditions and the need for the space.

In 2003, the DMS, after issuing an Invitation to Negotiate (ITN), entered into a contract with the Staubach Company-North Florida, LLC, to provide strategic planning, asset management, and brokerage management services for the State of Florida. In 2004, the Governor issued Executive Order Number 04-118, which required each executive agency to use the DMS as the State's central leasing agent, and directed executive agencies to enter into agreements with the DMS to procure and manage all leases in an effort to aggregate them where practical and improve lease terms. Staubach has negotiated 150 leases on behalf of 20 state agencies as of June 30, 2005. Both OPPAGA and the Auditor General have raised concerns in released reports about the contract with Staubach, the extent to which the centralized leasing effort is leading to cost savings, and the quality of the space being leased.

Section 255.25(3)(a), F.S., requires that leases of greater than 5,000 square feet be entered into only after "advertisement for and receipt of competitive bids and award to the lowest and best bidder." Legislation has been proposed, but not passed, which would specifically include invitations to negotiate among the solicitation methods available for procuring leased space. Currently, there is no specific statutory authority to conduct ITN's, though Staubach conducts them on behalf of the State.

PROJECT OBJECTIVE(S):

The project will review current law to determine whether sufficient authority exists to use ITN's as a procurement vehicle for leased space, present a synopsis of other states' methods of procuring leased space, and examine Staubach's performance under the current contract as context for considering whether permitting use of ITN's to obtain leased space would lead to greater value to the State.

METHODOLOGY:

Current law relating to statutorily authorized procurement methods for leased space will be analyzed, as will reports relating to Staubach's performance under the current contract it holds with the DMS, and other states and relevant research materials will be surveyed.

INTERIM PROJECT TITLE:

Setting the Employer Payroll Contribution Rates for the Florida Retirement System

DATE DUE: December 15, 2006

PROJECT NUMBER: 2007-126

BACKGROUND and DESCRIPTION:

It has been the recent custom to enact specific legislation to annually set the employer-paid contribution rates for the funding of the multi-employer Florida Retirement System. Following receipt of the annual plan valuation by the consulting actuary, the bill will propose a current year rate and a “default” rate in the event no rate change bill is enacted. Beginning in FY 2007, the rates set through this legislation begin to move the FRS to lessen its reliance upon its accumulated but nonrecurring surplus assets status so that more normalized rates are charged the public employer plan members.

PROJECT OBJECTIVE(S):

The project will draft the implementing legislation to set the rate structure for the FY 2008 plan year. The bill accompanies the General Appropriations Act and other legislation implementing it.

METHODOLOGY:

The project will examine the rates recommended by the actuary prepared as a part of the annual plan valuation and submitted in the Fall of 2006.

INTERIM PROJECT TITLE:

The Supplemental Retirement Program of the Institute of Food and Agricultural Sciences at the University of Florida

DATE DUE: December 15, 2006

PROJECT NUMBER: 2007-127

BACKGROUND and DESCRIPTION:

Since 1984 the Division of Retirement in the Department of Management Services has administered the supplemental pension plan for eligible retirees from the federal civil service who are employed as cooperative extension personnel at the University of Florida’s Institute of Food and Agricultural Sciences (IFAS). This supplemental plan, since closed to new participants, bridges the gap between the federal civil service benefit and the benefit otherwise payable to a FRS retiree.

The closed status of the plan means that payments to beneficiaries exceed available investment income, thus placing the plan in a negative funding status. A previous interim report identified three options to place the plan on a healthier footing: continued financial subsidy, higher employer contribution rates, or incorporation within the overall funding structure of the Florida Retirement System. Legislation to implement this option failed to pass the 2006 Legislature.

PROJECT OBJECTIVE(S):

The project seeks to develop a permanent solution to the progressively deteriorating funding situation being experienced by IFAS.

METHODOLOGY:

The project will again propose a durable solution to the IFAS financial difficulties which will only be further aggravated with the passage of time.

INTERIM PROJECT TITLE:

State Agency Rules Review

DATE DUE: November 1, 2006

PROJECT NUMBER: 2007-128

BACKGROUND and DESCRIPTION:

Agencies may be exempted by statute from complying with parts of Chapter 120, F.S., which codifies the Administrative Procedure Act. Such exemptions exist in Chapter 120 itself, or in other statutory provisions.

PROJECT OBJECTIVE(S):

This project will document and identify the justification for statutory exemptions from Chapter 120, F.S., in whole or in part.

METHODOLOGY:

Standing committees of the Florida Senate will review rules and statutes for those agencies for which they have oversight responsibilities, and document and identify the justification for all statutory exemptions from any part of Chapter 120, F.S. The Committee on Governmental Oversight and Productivity, in conjunction with the Joint Administrative Procedures Committee, will act as the lead committee and collate the data from the responsible committees.

INTERIM PROJECT TITLE:

State Agency Procurement Procedures

DATE DUE: November 1, 2006

PROJECT NUMBER: 2007-129

BACKGROUND and DESCRIPTION:

Section 287.057(1), F.S., requires that unless otherwise authorized by law, contracts for the purchase of commodities or services in excess of \$25,000 be awarded by competitive solicitation. Chapter 287, F.S., does not directly address contracts for which there is no direct outlay of state funds to the contractor. These types of contracts include no-cost, free, shared savings, and codevelopment contracts. Because the granting of such contracts confers a benefit onto the selected vendor, consideration should be given as to whether competitive solicitation requirements should be applicable to the granting of such contracts.

PROJECT OBJECTIVE(S):

The project will identify existing no-cost, free, shared savings, and codevelopment contracts that were not solicited through Chapter 287, F.S. The project will make recommendations regarding:

- whether such contracts should be solicited pursuant to Chapter 287, F.S.

- the potential benefits gained by competitively procuring all commodities and services in excess of \$25,000 and that are not specifically exempt from the solicitation requirements of Chapter 287, F.S.
- the impact to state agency procurement operations and recommended actions should all no-cost, free, shared savings, and codevelopment contracts be required to follow the competitive solicitation requirements of Chapter 287, F.S.
- the sufficiency of checks and balances and accountability standards for such contracts.

METHODOLOGY:

Agencies will be surveyed to establish how many such contracts currently exist. The project will analyze the procurement laws of other states and the federal government in order to determine how such contracts are handled in those jurisdictions.

MANDATORY REVIEWS

INTERIM MANDATORY REVIEW TITLE:

Open Government Sunset Review of Section 119.071(5)(a) and (b), F.S., Relating to Social Security Numbers and Financial Account Numbers held by Agencies

DATE DUE: October 1, 2006

PROJECT NUMBER: 2007-209

BACKGROUND and DESCRIPTION:

The Open Government Sunset Review Act provides for the review of exemptions to open records and meetings requirements five years after enactment. Section 119.071(5)(a), F.S., is a general exemption for social security numbers. Paragraph (b) of that subsection is a general exemption for financial account numbers (e.g., bank account and credit card numbers). Both social security numbers and financial account numbers are held by agencies, the clerks of court, and county recorders. The statute contains a lengthy exception to the exempt status of social security numbers for commercial entities that meet certain requirements. The statute also establishes conditions and requirements governing the release of court records or official records that contain social security numbers or financial account numbers and establishes a process for a person to request redaction of the data from those records. Currently, the statute exempts the court clerks and county recorders from redaction requirements except upon written request. The statute, however, requires court clerks and county recorders to automatically protect this data from disclosure in the future. The public records exemption provisions relating to social security numbers and financial account numbers will repeal October 2, 2007, unless reviewed and saved from repeal.

PROJECT OBJECTIVE(S):

Both the exemption for social security numbers in paragraph (a) and the exemption for financial account numbers in paragraph (b) will be reviewed using the standards provided in s. 119.15, F.S., the Open Government Sunset Review Act, to determine if they meet those standards and to determine if a recommendation should be made to save the exemption from repeal. Primarily, this review will focus on the exemptions and the application of the exemption by agencies. It will not, however, consider those aspects of subsection (5) which specifically relate to custodial requirements of the clerks of court and

county recorders as those issues will be considered by the Judiciary Committee (see the description of Project Number 2007-211).

METHODOLOGY:

Agencies will be surveyed to determine their practices regarding the exemption. Further, Florida law and other state and federal laws related to collection of social security numbers and financial account information numbers will be reviewed.

INTERIM MANDATORY REVIEW TITLE:

Open Government Sunset Review of Section 121.4501(19), F.S., Relating to FRS Participants

DATE DUE: October 1, 2006

PROJECT NUMBER: 2007-210

BACKGROUND and DESCRIPTION:

The Open Government Sunset Review Act provides for the review of an exemption from open records or meetings requirements 5 years after enactment. Section 121.4501(19), F.S., provides that all personal identifying information regarding a participant in the Public Employee Optional Retirement Program contained in Florida Retirement System records held by the State Board of Administration or the Department of Management Services, their agents, employees, or contractors, is exempt. This exemption will repeal October 2, 2007, unless saved from repeal by the Legislature.

PROJECT OBJECTIVE(S):

The exemption will be reviewed using the standards provided in s. 119.15, F.S., the Open Government Sunset Review Act, to determine if it meets those standards and to determine if a recommendation should be made to save the exemption from repeal.

METHODOLOGY:

The agencies that hold the exempt information will be surveyed to determine their practices regarding the exemption and to determine their opinion regarding the need for the exemption. Further, Florida law and other state and federal laws may be reviewed if applicable to the exempt information.

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Accessibility of Electronic Information and Information Technology

DATE DUE: N/A

PROJECT NUMBER: 2007-366

BACKGROUND and DESCRIPTION:

House Bill 1503 creates Part III of Chapter 282, Florida Statutes, addressing accessibility of electronic information and information technology by state employees and members of the public. The bill provides that persons with disabilities must be provided access to such information comparable to that provided to persons without disabilities, unless an undue burden would be placed upon the agency.

The bill provides that state agencies must procure and use accessible electronic information and information technology which conforms to the applicable provisions of section 508 of the Rehabilitation Act of 1973, as amended, and requires the Department of Management Services to adopt rules for the procurement and use of accessible electronic information technology by governmental units.

PROJECT OBJECTIVE(S):

The project will monitor the implementation of Part III of Chapter 282 generally, including the rule-making undertaken by the Department of Management Services.

METHODOLOGY:

Review contracts entered into by state agencies for compliance with provisions of the bill, and consult with relevant stakeholders such as the ADA Working Group.

INTERIM MONITOR PROJECT TITLE:

Activities of the Council on Efficient Government

DATE DUE: N/A

PROJECT NUMBER: 2007-367

BACKGROUND and DESCRIPTION:

CS/CS/SB 2518 creates in the Florida Efficient Government Act the Council on Efficient Government, which will review agency business cases to outsource before an agency procures or contracts for outsourced services, and provides appropriations for the activities of the Council and training of agency employees as contract negotiators.

PROJECT OBJECTIVE(S):

The project will monitor the startup and activities of the Council, and will specifically review whether the Council's involvement in agency procurements assists in producing efficient and cost-effective outsourcing procurements and contracts.

METHODOLOGY:

Review processes recommended by the Council, and evaluate Council advisory reports to determine compliance with the Florida Efficient Government Act.

INTERIM MONITOR PROJECT TITLE:

Public-Private Entities

DATE DUE: N/A

PROJECT NUMBER: 2007-368

BACKGROUND and DESCRIPTION:

Increasing numbers of public-private entities are being relied upon by the state to perform a variety of functions. There is little consistency or uniformity in the standards that are applied when creating these entities or in the measures used to ensure their accountability. Some oversight is necessary to identify these entities and to ensure that they perform assigned functions within statutory requirements.

PROJECT OBJECTIVE(S):

To identify and monitor a variety of public private entities that have been created or authorized in statute to determine if they are complying with their enabling statutes or exceeding their delegated powers.

METHODOLOGY:

Review and identify entities that merit monitoring; coordinate with agencies that are associated with those entities, and determine whether increased oversight is necessary.

INTERIM MONITOR PROJECT TITLE:

State Agency Sunset Review Process

DATE DUE: N/A

PROJECT NUMBER: 2007-369

BACKGROUND and DESCRIPTION:

The enactment of HB 1123 (SB 2460) committed the Legislature to a multi-year review of the structural components of many agencies in the executive, legislative, and judicial branches of state government. While Florida has pioneered these types of review processes with other regulatory, advisory council, and public records systems since the 1970s, there has been no sustained review of the state agencies delivering public services themselves outside of the annual budget process.

HB 1123 initiates an eight-year review cycle with six agencies scheduled for an exhaustive review beginning in 2008. One year prior to an agency's scheduled review the legislative Office of Program Policy Analysis and Government Accountability (OPPAGA) will commence a review process using many of the same criteria applicable to its agency justification review process in current law. The report is scheduled for delivery to a legislative review panel, although at this writing the form it is to take is yet to be determined by the Presiding Officers.

PROJECT OBJECTIVE(S):

The project will monitor the implementation of this enactment. Since no formal recommendation is required to be made prior to 2008, the project will monitor the process used for the collection of the data directed by the bill and other key attributes of agency performance.

METHODOLOGY:

Along with a related interim project (Rules) the project contemplates working with OPPAGA and the Joint Committee on Administrative Procedures to develop a template that will permit all committees to understand the kinds of analytical elements that should be considered in reacting to subsequent recommendations from the sunset review process to continue, modify, or terminate a state agency or its underlying organic statutory responsibilities. The monitoring activities will necessarily involve working with the following committees with substantive jurisdiction over the agencies named in the first tier of review: Committee on Agriculture (Department of Agriculture and Consumer Services and the Department of Citrus); Committee on Environmental Preservation (water management districts, Department of Environmental Protection, Fish and Wildlife Conservation Commission); and the Committee on Transportation (Department of Highway Safety and Motor Vehicles).

Health and Human Services Appropriations

INTERIM PROJECTS

(None)

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

<i>Home and Community Based Waiver Services for the Developmentally Disabled</i>
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DATE DUE: N/A

PROJECT NUMBER: 2007-370

BACKGROUND and DESCRIPTION:

The Agency for Persons with Disabilities (APD) provides home and community-based services to eligible persons with developmental disabilities through the Home and Community Based Services Waiver and the Family and Supported Living Waiver. In the past several years, the Legislature directed APD to redesign the program and implement: a uniform rate structure; prior service authorizations; and a “Gatekeeper” billing control system to screen and prevent payment of inaccurate claims.

In the fiscal years prior to 2005-2006, APD received significant appropriation increases to reduce the waitlist, but failed to serve additional clients. According to APD, they plan to serve an additional 6,000 clients through the waivers in fiscal year 2005-06.

In the fiscal years prior to 2005-2006, APD also received significant appropriation increases to fund client utilization. The legislature directed APD to implement new prior service authorization and billing systems to better estimate and control the increases in client utilization.

Additionally, the legislature directed APD to submit quarterly status reports containing information necessary to more accurately forecast client enrollment and utilization. In 2006, the legislature passed SB 394 which expanded the types of information included in these quarterly reports and required an analysis of actual and projected costs compared to the appropriation. If the analysis indicates the cost of services is expected to exceed the appropriation, APD is required to submit a plan to the Governor and Legislature to remain within the appropriation.

PROJECT OBJECTIVE(S):

The project will monitor APD’s waitlist and client utilization data and forecasts necessary to remain within the appropriation. Staff will provide briefing materials to legislators as requested.

METHODOLOGY:

Staff will review APD documents and reports used in the process for feasibility, reasonableness, completeness, compliance with statutes, and legislative intent.

INTERIM MONITOR PROJECT TITLE:

Independent Living Services

DATE DUE: N/A

PROJECT NUMBER: 2007-371

BACKGROUND and DESCRIPTION:

Independent living services are provided by the Department of Children and Families (DCF) through lead agency providers to children in foster care and young adults formerly in foster care. The goal of this program is to assist youth in the transition to adulthood, but the services are not an entitlement. The extent of the services provided is determined by the size of the appropriation, which was \$20.8 million for Fiscal Year 2005-2006.

The outsourcing of child protective services to community-based care (CBC) providers has brought into focus the need for additional resources for independent living services. For Fiscal Year 2006-2007, the legislature appropriated an increase of \$5.1 million from general revenue to support these services. Prior to issuing the approved operating budget, DCF will be undertaking the task of allocating these funds to the existing community-based care providers.

PROJECT OBJECTIVE(S):

The objective of this project is to monitor the allocation of independent living funds to community-based care providers, to assess the rate of service utilization by CBCs, and to determine the appropriateness of the department's allocation formula.

METHODOLOGY:

The methodology for this project will encompass, at a minimum, the following activities:

- Participate in discussions with DCF staff regarding the allocation of Independent Living funds.
- Contact CBC providers to discuss independent living data and utilization trends.
- Review and analyze independent living utilization data collected by the department.
- Summarize findings from monitoring activities.
- Report summary of findings to the Health and Human Services Appropriations Committee.

INTERIM MONITOR PROJECT TITLE:

Florida KidCare – Enrollment

DATE DUE: N/A

PROJECT NUMBER: 2007-372

BACKGROUND and DESCRIPTION:

The Florida KidCare program was created by the 1998 Legislature in response to the enactment by Congress of Title XXI of the Social Security Act and the large number of uninsured children in the state. The components of KidCare include: Medicaid for children; the Medikids program; Florida Healthy Kids; and the Children’s Medical Services (CMS) Network.

Initially, the program continuously enrolled recipients throughout each year; however, in 2003, enrollment reached a level that potentially could have exhausted the state’s allotment of federal funds. In response to these concerns, the Legislature adopted a “no growth” enrollment policy for fiscal year 2003-2004, thereby creating waiting lists for the program. The 2004 Legislature passed SB 2000 (chapter 2004-270, Laws of Florida) which provided funding to eliminate the waiting list, eliminate continuous enrollment and replace it with no more than two 30-day open enrollment periods per fiscal year and added additional documentation requirements for proof of family income. The Legislature revisited documentation requirements through SB 28A (chapter 2004-478, Laws of Florida) during the November 2004, special session and reduced the number of required documents for proof of family income from three to one. The 2005 Legislature passed HB 569 (chapter 2005-123, Laws of Florida) reinstating continuous open enrollment.

The March 2006 Social Services Estimating Conference forecasted a caseload for fiscal year 2006-2007 well below current funding levels, thereby identifying a surplus of funds. As a result, the 2006 Legislature reduced the program by a total of \$169.1 million to properly align the budget with enrollment forecasts. Current Title XXI enrollment is approximately 189,000 kids (April 2006). The 2006 GAA provides funding to cover an enrollment of approximately 229,000 children. This provides for an additional 40,000 enrollment slots.

PROJECT OBJECTIVE(S):

This interim project will focus on monitoring the enrollment levels of the KidCare program. Emphasis will be placed on a review of enrollment trends compared to the budgeted funds and administrative costs.

METHODOLOGY:

Staff will review and monitor monthly enrollment levels and related program expenditures as well as administrative costs.

INTERIM MONITOR PROJECT TITLE:

Low Income Pool

DATE DUE: N/A

PROJECT NUMBER: 2007-373

BACKGROUND and DESCRIPTION:

The 2005 Legislature passed SB 838, giving the Agency for Health Care Administration (agency) the authority to pursue a federal 1115 waiver to test a Medicaid reform program in Broward and Duval counties, contingent on preserving the hospital Upper Payment Limit (UPL). In the fall of 2005, the agency obtained federal approval from the Centers for Medicare and Medicaid Services (CMS) for the two pilot reform areas and a revised UPL program known as the Low Income Pool (LIP). The legislature approved implementation of the reform pilot program through HB 3B during a special legislative session in December 2005.

The LIP program is considered one of four fundamental elements of the Medicaid reform waiver and is defined in the waiver as a program established to ensure continued government support for the provision of health care services to Medicaid, underinsured and uninsured populations. The program consists of a \$1 billion capped annual allotment for each year of the five years authorized by the Medicaid reform waiver.

As a condition of the waiver, the agency is required to achieve two distinct milestones prior to the receipt of any federal funds under the LIP program. These milestones include:

- Reimbursement and Funding Methodology Document - This document contains a listing of all non-federal share sources of funding for the LIP program and requires approval by CMS.
- Low Income Pool Permissible Expenditures – The agency must receive approval from CMS of the methodology by which LIP funds will be distributed.

The agency submitted the listing of the sources of non-federal share to CMS on February 3, 2006. This document is currently under review by the CMS. The 2006 Legislature adopted the LIP distribution methodology and included it in the 2006 GAA. This distribution methodology will be sent to the CMS and must be approved prior to the agency submitting payments to providers. Payments to providers are expected to begin on July 1, 2006, or be retroactive to that date if approval is received at a later date.

PROJECT OBJECTIVE(S):

Objectives include monitoring the approval process between the agency and the CMS for the document that lists the sources of non-federal share and the distribution methodology. In addition, staff will monitor implementation of the distribution methodology and subsequent modifications to this methodology, if necessary, as a result of the approval process.

METHODOLOGY:

Staff will attend meetings and conference calls conducted between AHCA, CMS, the Low Income Pool Council and other pertinent parties. Staff will review documentation and reports as they relate to the implementation of the LIP program.

Health Care

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Draft Legislation to Conform Statutes to 2006 Changes to Health Facilities and Services Licensure Laws

DATE DUE: November 1, 2006

PROJECT NUMBER: 2007-130

BACKGROUND and DESCRIPTION:

Committee Substitute for Senate Bill 388 transfers all sections of parts III, VII, and V of ch. 400, F.S., to newly created parts I, II, and III of ch. 429, F.S., entitled “Assisted Care Communities.” Additionally, the bill makes multiple statutory revisions that are needed to accurately reflect the move of part III of chapter 400, F.S. Finally, the Division of Statutory Revision is directed to prepare a reviser’s bill to make conforming changes to the Florida Statutes.

Committee Substitute for Senate Bill 2214 divides ch. 408, F.S., “Health Care Administration,” into parts I-IV and consolidates core licensure requirements for health care providers licensed by the Agency for Health Care Administration (AHCA or agency) in part II of ch. 408, F.S., consisting of newly created ss. 408.801-408.820 and existing s. 408.831, F.S., titled “Health Care Licensing: General Provisions.” The bill requires the Division of Statutory Revision to assist relevant substantive legislative committees to prepare draft conforming legislation.

In addition to correcting statutory cross-references, conforming legislation is needed to remove core licensure provisions from numerous chapters of the Florida Statutes under which health care facilities and services are regulated, since these provisions are now contained in part II, ch. 408, F.S. If there are conflicts between the core licensure provisions and the various specific licensure statutes, these conflicts must be identified so that the legislature can make policy decisions.

PROJECT OBJECTIVE(S):

To review all relevant statutes and draft a conforming bill for the 2007 Legislative Session.

METHODOLOGY:

Staff will work with AHCA, the relevant substantive House committees, and Statutory Revision to draft the necessary conforming legislation.

INTERIM PROJECT TITLE:

The Florida KidCare Program: Organizational Streamlining and Administrative Simplification

DATE DUE: October 1, 2006

PROJECT NUMBER: 2007-131

BACKGROUND and DESCRIPTION:

The State Children’s Health Insurance Program (SCHIP), enacted as part of the Balanced Budget

Act of 1997, created Title XXI of the Social Security Act, which provides insurance to uninsured children in low-income families either through a Medicaid expansion, a separate children's health program, or a combination of both. SCHIP was designed as a federal/state partnership, similar to Medicaid, with the goal of expanding health insurance to children whose families earn too much money to be eligible for Medicaid, but not enough money to purchase private insurance.

The 1998 Florida Legislature enacted the Florida KidCare program in response to the passage by Congress of SCHIP. KidCare is an "umbrella" program that currently includes the following four components, all of which offer comprehensive benefits for eligible children: Florida Healthy Kids, Medicaid for children, Medikids, and the Children's Medical Services (CMS) Network (which includes a behavioral health component).

The KidCare program is designed to maximize coverage for eligible children and federal funding participation for Florida, while avoiding the creation of an additional entitlement program under Medicaid. Enrollment was initiated on October 1, 1998, and as of April, 2006, 1,455,363 children are enrolled in the various components of the KidCare Program, down from a high of 1,528,057 in December, 2003.

Some groups blame multiple policy changes and administratively complex enrollment procedures for the decline in KidCare participation. Over the last three years, the Legislature has enacted many policy changes affecting core aspects of the KidCare program, including: restrictions on enrollment; increases in family share of costs; reductions in marketing and outreach; and changes to eligibility criteria. In addition, Congress will be considering the reauthorization of SCHIP by the end of federal FY 2007 and there may be programmatic changes as a result.

PROJECT OBJECTIVE(S):

This interim project will determine whether organizational streamlining and administrative simplification of the program will assist qualifying applicants and enrollees to participate in the Florida KidCare program. The project will:

- describe the history and current organizational structure of the program;
- examine how other states structure their SCHIP programs and eligibility processes;
- review possible program changes related to the reauthorization of SCHIP in 2007;
- review program compliance with state statutes and regulations;
- examine the administration of the KidCare program and recommend ways to streamline and simplify the program to better serve applicants and enrollees; and
- recommend whether Florida should be an active participant in the federal reauthorization of SCHIP.

METHODOLOGY:

Staff will review the Florida KidCare program evaluation reports that have been conducted since the program's inception and talk to the evaluators. Staff will interview program administrators from the four major Florida KidCare program partners: the Agency for Health Care Administration (AHCA), the Florida Healthy Kids Corporation (FHKC), the Department of Health's Children's Medical Services (CMS), and the Department of Children and Family Services (DCF). Staff will interview members of the Florida KidCare Coordinating Council and review its annual reports. Staff will coordinate with the staff from the Legislative Appropriations Committees, the Office of the Auditor General, and the Office of Program Policy Analysis and Government Accountability to develop recommendations for streamlining and simplifying the program. Staff will also work with the Florida Washington Office to

identify changes to SCHIP that are being discussed in the Federal government as part of SCHIP reauthorization.

INTERIM PROJECT TITLE:

Review of Medical Records and Health Information Held by Agencies

DATE DUE: October 1, 2006

PROJECT NUMBER: 2007-132

BACKGROUND and DESCRIPTION:

For purposes of the Public Records Law, “agency” means any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government. It also includes the Commission on Ethics, the Public Service Commission, the Office of Public Counsel, and any public or private agency, person, partnership, corporation, or business acting on behalf of a public agency.

Florida law provides numerous agency-specific public records exemptions for medical and health information. The Department of Health has a public records exemption for personal identifying information and financial account numbers contained in records relating to a person’s health or eligibility for health-related services when in the possession of the Department of Health. The Florida Automobile Joint Underwriting Association and the Citizens Property Insurance Corporation have a public records exemption for information relating to the medical condition or medical status of an employee. The health information relating to an agency employee is exempt from the public records requirements. The Department of Highway Safety and Motor Vehicles has a public records exemption for reports received or made by the Medical Advisory Board or its members for the purpose of assisting the Department of Highway Safety and Motor Vehicles in determining whether a person is qualified to be licensed. An exemption applicable to all agencies for medical records and health information does not exist.

The Open Government Sunset Review Act (s. 119.15, F.S.), provides for the repeal and prior review of any public records or meetings exemptions that are created or substantially amended in 1996 and subsequently. The law was amended by ch. 2005-251, Laws of Florida, to modify the criteria under the Open Government Sunset Review Act so that consideration will be given to reducing the number of exemptions by merging multiple similar exemptions during the review of an exemption subject to sunset review.

PROJECT OBJECTIVE(S):

To review Florida law for public records exemptions for medical records and health information, and any applicable federal law, to identify any needed changes in the law. This project will determine whether the creation of a single public records exemption applicable to all agencies for medical records and health information should be recommended. This project will also determine whether exempt records and information should be confidential, as well as exempt.

METHODOLOGY:

Staff will consult with the staff of agencies, legislative staff, and interested stakeholders to identify and analyze existing public records exemptions for medical records and health information. Staff will review federal laws and regulations relating to privacy of health records.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Development of the Florida Health Information Network

DATE DUE: N/A

PROJECT NUMBER: 2007-374

BACKGROUND and DESCRIPTION:

The Agency for Health Care Administration (AHCA or agency) provides staff support to the Governor's Health Information Infrastructure Advisory Board which was established by Executive Order 04-93 in May of 2004. The advisory board is to advise and support the agency as it develops and implements a strategy for the adoption and use of electronic health records and creates a plan to promote the development and implementation of a Florida health information infrastructure. The board may continue to operate until June of 2007.

The advisory board is proposing the development of the Florida Health Information Network, which would be a statewide health information infrastructure operating over the Internet, which will enable health care professionals to access a patient's medical records from any provider database connected to the network. The network would be a collaborative effort among state and local governments, and the private sector, including regional health information organizations and health insurers. The operational core of the Florida Health Information Network would be a state level server that would function as the highest level server in a statewide client/server hierarchy. It is anticipated that the Florida Health Information Network would be governmental at inception and would be a public/private partnership at maturity.

The agency received a \$1,531,737 appropriation in fiscal year 2005-06 for the Florida Health Information Network to be used to provide grant funding of local and regional health information exchange pilot projects. The agency received a \$2,000,000 appropriation for fiscal year 2006-07 to fund pilot projects. The Governor's Advisory Board and AHCA have begun reviewing proposals for fiscal year 2006-07.

PROJECT OBJECTIVE(S):

To monitor the development of the Florida Health Information Network.

METHODOLOGY:

Staff will attend the Governor's Health Information Infrastructure Advisory Board Meetings, when possible, and will work with the Florida Center for Health Information and Policy Analysis in AHCA to stay informed about steps being taken to implement the Florida Health Information Network.

INTERIM MONITOR PROJECT TITLE:

Medicaid Reform Implementation

DATE DUE: N/A

PROJECT NUMBER: 2007-375

BACKGROUND and DESCRIPTION:

In 2005, the Legislature passed CS/CS/CS 838 (ch. 2005-133, L.O.F.) containing both short and long-term Medicaid reform activities, demonstration projects, and studies designed to improve efficiency and achieve sustainable growth in Florida's Medicaid program.

The law contains requirements which can be divided into four major categories, including:

- provisions related to improving the efficiency and effectiveness of the current Medicaid fee-for-service and MediPass programs;
- provisions requiring the development of an integrated, fixed-payment delivery system to provide services to Medicaid recipients 60 years of age or older, to be tested in two areas of the state (AHCA Areas 1 and 7);
- provisions creating an acute care demonstration program to assess the statewide phase-in of managed care networks as a replacement for the current Medicaid program (initial pilot sites in Duval and Broward counties), that must protect supplemental hospital reimbursements (upper payment limit funds); and
- provisions requiring evaluations and studies to examine additional ways to improve the efficiency and effectiveness of Florida's Medicaid program. The law requires the Agency for Health Care Administration (AHCA) to seek federal waivers to implement the reform initiatives. It also requires any federally approved waivers to be considered and approved by the Legislature as a whole before implementation.

AHCA complied with the provisions of CS/CS/SB 838 by posting the acute care demonstration waiver application on its website 30 days before submitting it to the federal government and received approval of the waiver application on October 19, 2005. The Legislature met in a special session in December 2005, and granted approval for the implementation of the acute care reform demonstration waiver in HB 3B (ch. 2005-358, L.O.F.). AHCA immediately initiated steps to implement the acute care reform demonstration waiver by July 1, 2006.

In January 2006, AHCA submitted the long-term care reform waivers to CMS. At this time, the waivers have not been approved. AHCA administrators expect federal approval some time during the summer of 2006. The agency will need to return to the Legislature for approval to implement the waivers by the proposed date of November 2006.

PROJECT OBJECTIVE(S):

This project will monitor implementation by the Governor's Office of Policy and Budget, AHCA,

and the Department of Elderly Affairs of the provisions in CS/CS/SB 838 (2005) and HB 3B (2005B), in order to keep the Senate fully informed as implementation progresses. The project will also identify any statutes that need to be amended to facilitate Medicaid reform.

METHODOLOGY:

Senate Health Care Committee and Senate Health and Human Services Appropriations Committee staff will work in conjunction with the Office of Program Policy Analysis and Government Accountability (OPPAGA) to provide oversight of implementation activities.

Staff will review approved waivers of applicable federal laws and rules related to changing the Medicaid system and implementation plans developed by the executive agencies for both the short and long-term reform activities. Committee staff will review the use of funds appropriated in this act for the development of infrastructure and programs to improve the current system and to facilitate the implementation of the pilot/demonstration programs.

Committee staff will hold meetings with executive agency staff, consultants, and other interested stakeholders involved in the implementation of Medicaid reform. Staff will attend meetings of the Medicaid Reform Technical Advisory Panel to track the capitation rate setting process and the Low Income Pool Council to track the approval and distribution of low income pool funds in lieu of the upper payment limit program. Senate Health Care Committee staff will coordinate with Senate Health and Human Services Appropriations Committee staff in their monitoring project for implementation of the Medicaid Low Income Pool.

INTERIM MONITOR PROJECT TITLE:

Implementation of Pedigree Paper Requirements by the Department of Health

DATE DUE: N/A

PROJECT NUMBER: 2007-376

BACKGROUND and DESCRIPTION:

This project would monitor the implementation of the requirements for tracing the distribution of wholesale drugs (pedigree history). Chapter 2003-155, Laws of Florida, revised the Florida Drug and Cosmetic Act to impose more stringent regulations on prescription drug wholesalers, including additional recordkeeping requirements for prescription drug wholesalers. Effective July 1, 2006, “pedigree paper” requirements for the tracing of wholesale drugs will be implemented by the Department of Health (DOH).

The 2006 Legislature passed HB 371, which creates the “Cancer Drug Donation Program Act” and establishes the Cancer Drug Donation Program within DOH for the purpose of authorizing and facilitating the donation of cancer drugs and supplies to eligible patients. The 2006 legislation also revises requirements for tracing the distribution of wholesale drugs (pedigree history) on or after July 1, 2006, to give a wholesale distributor an additional option to show the pedigree history for drugs.

PROJECT OBJECTIVE(S):

This project will monitor implementation by DOH of the requirements for pedigree papers which are scheduled to take effect on July 1, 2006.

METHODOLOGY:

Committee staff will consult and hold meetings with agency staff and interested stakeholders involved in implementation of the pedigree paper requirements, and attend public meetings and rule workshops.

Judiciary

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Implementation of the Unified Family Court Model

DATE DUE: November 1, 2006

PROJECT NUMBER: 2007-133

BACKGROUND and DESCRIPTION:

Florida has joined other jurisdictions in implementing family court reforms designed to reduce inefficiencies and fragmentation in the manner in which a family's legal proceedings are handled. This effort or approach is sometimes referred to as a unified family court model or unified family court program. The model utilizes a unified system of judicial case coordination in the state to identify cases relating to children and families. Children and families are assigned to a single circuit court judge who handles all of their cases. This model alleviates the problem of having different judges presiding over one family's various cases. The purpose is to reduce confusion and avoid conflicting court orders. Florida has been moving toward such reforms for a number of years. Significant milestones in the history of this effort include the legislatively established Commission on Family Courts in 1990 and the Supreme Court's more recent endorsement of the Family Court Steering Committee's guiding principles and characteristics of a model family court. In continued support of a movement toward the unified family court model, the Legislature in 2005 created s. 25.375, F.S., which authorizes the Supreme Court to create a unique identifier to identify all court cases related to the same family.

PROJECT OBJECTIVE(S):

The purpose of this interim project is to survey the activities and progress in Florida's judicial circuits related to development and implementation of a unified family court model in order to identify best practices, lessons learned, and any issues affecting implementation of the model and to recommend any legislative actions that may facilitate implementation of the model.

METHODOLOGY:

This interim project will entail soliciting quantitative and qualitative information and feedback from judges and staff in the state's judicial circuits; from the Florida Supreme Court and the Office of State Courts Administrator; and from attorneys, guardians ad litem, social workers, and others who practice in the family court arena; reviewing legal and policy literature in the field; and sampling practices and experiences in other states, as appropriate.

INTERIM PROJECT TITLE:

Options for Authorizing Citizens to Propose and Adopt Statutes

DATE DUE: November 1, 2006

PROJECT NUMBER: 2007-134

BACKGROUND and DESCRIPTION:

During the 2006 Regular Session, the Senate approved Senate Joint Resolution 1918, which would have revised multiple articles of the State Constitution. On second reading, the Senate adopted an amendment that required the Legislature to establish by general law a statutory initiative process under which citizens could propose statutes. The amendment gave the Legislature broad discretion on how to implement the statutory initiative process. However, the statutory initiative provision was removed on third reading. A series of other amendments that were filed on second reading, and which were ultimately withdrawn, would have described a statutory initiative process in detail.

Currently, statutory initiative processes are authorized in many states. A significant difference among the statutory initiative processes is the amount of legislative involvement permitted. A direct statutory initiative process has little legislative involvement. A direct process enables a proposed statute to be placed directly before the voters. An indirect statutory initiative process requires a proposed statute to be placed before a legislature for consideration before it may be placed before the voters. Some constitutional scholars have suggested that a statutory initiative process will reduce the number of constitutional amendments proposed by citizen initiative.

PROJECT OBJECTIVE(S):

This interim project will identify options to authorize citizens to propose and adopt statutes. The options will address structural and procedural matters that must be part of a statutory initiative process. The options will also identify potential roles for the Legislature, Governor, and Judiciary.

METHODOLOGY:

Committee staff will review information on statutory initiative processes in use in other states, review scholarly literature on statutory initiatives, and communicate with scholars and other interested parties.

MANDATORY REVIEWS

INTERIM MANDATORY REVIEW TITLE:

Open Government Sunset Review of Section 119.071(5)(a) and (b), F.S., Relating to Social Security Numbers and Financial Account Numbers Held by Court Clerks and County Recorders

DATE DUE: November 1, 2006

PROJECT NUMBER: 2007-211

BACKGROUND and DESCRIPTION:

The Open Government Sunset Review Act provides for the review of exemptions to open records and meetings requirements five years after enactment. Section 119.071(5)(a), F.S., is a general exemption for social security numbers. Paragraph (b) of that subsection is a general exemption for

financial account numbers (e.g., bank account and credit card numbers). Both social security numbers and financial account numbers are held by agencies, the clerks of court, and county recorders. The statute contains a lengthy exception to the exempt status of social security numbers for commercial entities that meet certain requirements. The statute also establishes conditions and requirements governing the release of court records or official records that contain social security numbers or financial account numbers and establishes a process for a person to request redaction of the data from those records. Currently, the statute exempts the court clerks and county recorders from redaction requirements except upon written request. The statute, however, requires court clerks and county recorders to automatically protect this data from disclosure in the future. The public records exemption provisions relating to social security numbers and financial account numbers will repeal October 2, 2007, unless reviewed and saved from repeal.

PROJECT OBJECTIVE(S):

The purpose of this project is to review, using the standards provided in the Open Government Sunset Review Act, public records exemption provisions relating to social security numbers and financial account numbers held by clerks of court and county recorders, as well as the conditions related to the filing and release of court records or official records containing these numbers. This mandatory review will not, however, consider those aspects of s. 119.071(5), F.S., which specifically relate to other agencies, as those aspects will be considered by the Committee on Governmental Oversight and Productivity. (See the description of Project Number 2007-209.)

METHODOLOGY:

Committee staff will contact court clerks and county recorders to gather information on their practices regarding social security and financial account numbers; review practices regarding the release of court records or official records that contain such numbers; and review Florida law and other state and federal laws related to social security numbers and comparable numbers.

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Implementation of Chapter 2006-11, L.O.F., Relating to Eminent Domain

DATE DUE: N/A

PROJECT NUMBER: 2007-377

BACKGROUND and DESCRIPTION:

In *Kelo v. City of New London*, 125 S. Ct. 2655 (2005), the U.S. Supreme Court held that improving the local economy meets the public purpose requirement of the Takings Clause of the U.S. Constitution. In response to *Kelo*, the Legislature enacted HB 1567 (ch. 2006-11, L.O.F.) during the 2006 Regular Session. The act heightens the safeguards of private property rights by providing certain restrictions on the use of eminent domain and limiting the transfer of property that has been taken by eminent domain.

Among other provisions, the measure eliminates the authority to take property for the purpose of abating or eliminating a public nuisance. It also prohibits the use of eminent domain for the purpose of preventing or eliminating slum or blight conditions. The act repeals s. 163.375, F.S., which granted broad eminent domain power to counties, municipalities, or community redevelopment agencies, with

the delegated authority of eminent domain, for community redevelopment and related activities. However, the use of eminent domain in a community redevelopment area (CRA) for a traditional public purpose is permitted in the same way as permitted outside the CRA.

The state, any political subdivision, or any other entity to which the power of eminent domain is delegated is prohibited from transferring property acquired by eminent domain to another private entity for 10 years with certain exceptions. The exceptions include transfers for: private entities engaged in common-carrier services; roads open to the public for transportation, whether at no charge or by toll; operating a public or private utility; or public infrastructure. The legislation also has an exception for transferring surplus property. If property is acquired via eminent domain and is not needed for the original purpose, and it has been less than 10 years, it can be transferred if the original owner is first given a chance to repurchase the property at the price that the government paid him or her for the property.

The Legislature also passed a joint resolution (HB 1569) that proposes to amend the State Constitution to limit the conveyance of private property taken by eminent domain to a natural person or private entity with certain exceptions.

PROJECT OBJECTIVE(S):

The purpose of this monitor project is to track implementation of ch. 2006-11, L.O.F., and related eminent domain issues in order to identify any further legislative action that may be necessary.

METHODOLOGY:

This monitor project will entail maintaining communications with local government organizations, community development representatives, property rights advocates, and others in order to identify any problems or significant developments in implementing the eminent domain legislation and the constitutional amendment if it is adopted by the voters.

INTERIM MONITOR PROJECT TITLE:

Regulation of the Paralegal Profession

DATE DUE: N/A

PROJECT NUMBER: 2007-378

BACKGROUND and DESCRIPTION:

During the 2006 Regular Session, the Legislature introduced but did not enact legislation providing for the regulation of the paralegal profession. (See SB 906 and HB 395.) The legislation, among other provisions, would have established minimum education and training requirements, as well as continuing education requirements; required compliance with a Florida Paralegal Code of Ethics and Professional Responsibility; prohibited certain persons from using the title “paralegal” and established penalties for violations of this prohibition; and created a Paralegal Regulation Board.

Meanwhile, the Board of Governors of The Florida Bar is considering proposals to regulate paralegals through the Rules Regulating The Florida Bar. The Board of Governors was scheduled to vote on such a proposal at its meeting in early June 2006. Any rule change approved by the Board of Governors would have to be submitted to the Florida Supreme Court for its review.

PROJECT OBJECTIVE(S):

The purpose of this project is to monitor development of rules by The Florida Bar regulating the paralegal profession.

METHODOLOGY:

This monitor project will entail tracking the development, deliberation, approval, and review of rules regulating the paralegal profession by The Florida Bar and the Supreme Court so that the Legislature may evaluate whether it wishes to pursue statutorily based regulation of the profession.

INTERIM MONITOR PROJECT TITLE:

Legal, Policy, and Administrative Issues Related to Voucher Education Programs

DATE DUE: N/A

PROJECT NUMBER: 2007-379

BACKGROUND and DESCRIPTION:

On January 5, 2006, the Florida Supreme Court ruled that the Opportunity Scholarship Program (OSP) violates art. IX, s. 1(a) of the State Constitution, requiring that adequate provision shall be made for a “uniform, efficient, safe, secure, and high quality system of free public schools.” The court held that this language creates both a mandate to provide for children’s education and a restriction on the execution of that mandate. Specifically, the provision requires the state to maintain a system of free public schools that is uniform throughout the state. Thus, according to the court, the Legislature is restricted from fulfilling the state’s mandate by diverting public funds from the uniform system of public schools to competing private, non-uniform schools. The court’s ruling affirmed the First District Court of Appeal’s invalidation of the OSP but did not address the certified question on art. I, s. 3 of the State Constitution. Also known as the “no-aid” provision, this portion of the constitution prohibits the state from disbursing funds in aid of any sectarian institution. Some have expressed concerns that the courts’ decisions could raise questions about other voucher-related education programs that are implemented in conjunction with private providers.

During the 2006 Regular Session, the Legislature considered but did not ultimately approve constitutional and statutory responses to the courts’ rulings. See, for example, SB 2234, which proposed the creation of a tax credit scholarship program for students attending failing schools (as a replacement for the OSP), and SJR 2170, which proposed to amend the State Constitution to authorize the Legislature to enact and publicly fund prekindergarten through college programs regardless of the religious nature of any participant or private provider. The Legislature did enact SB 256, which provides for fiscal and academic accountability in the John M. McKay Scholarships for Students with Disabilities (McKay) Program and the Corporate Tax Credit Scholarship (CTC) Program. The legislation allows students who received a scholarship from the State of Florida the previous year to receive the same priority in awarding of scholarships as students who received a CTC scholarship the previous year, subject to the low-income eligibility requirements under the CTC program. This provision may enable some students in the OSP, which as a result of the Supreme Court ruling continues only through the 2005-2006 school year, to transition into the existing CTC program.

PROJECT OBJECTIVE(S):

The purpose of this project is to monitor any legal, policy, or administrative/operational issues that arise with respect to voucher-related education programs, in order to assist the Legislature in determining whether legislative action is necessary.

METHODOLOGY:

This project will entail communicating with staff of the Department of Education, as well as other representatives in the education arena, and monitoring and analyzing any state or federal litigation that may arise with respect to these programs or similar programs in other states.

Justice Appropriations

INTERIM PROJECTS

(None)

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

<i>Florida Department of Law Enforcement Integrated Criminal History System</i>

DATE DUE: N/A

PROJECT NUMBER: 2007-380

BACKGROUND and DESCRIPTION:

The Integrated Criminal History System (FALCON) project is a multi-year effort to provide more effective and expandable capability for managing criminal records in Florida. FALCON will replace core information systems at FDLE, namely the current Automated Fingerprint Identification System (AFIS) and the Computerized Criminal History System (CCH), and add new capabilities by closely integrating the two. The CCH system was developed in the early 1970's, while AFIS was developed in 1987. This new integrated criminal history system is being developed because of outdated technology, costs of maintenance, and capacity limitations.

The project is expected to be fully operational in June of 2009. The Legislature set a total cost of this project not to exceed \$55.6 million. The project consists of the following builds:

Build 1

- Working Model – deployment of a working model, or proof-of-concept of basic functionality for the completed system. In addition, a “Bridge AFIS” development and deployment to mitigate risk of failure of existing AFIS due to capacity limitations (completed);

Build 2

- Initial Operating Capability (IOC) of FALCON – will allow FDLE customers to begin transitioning their legacy information systems, while simultaneously providing an increase in throughput capacity. This is split into two builds, Build 2A and Build 2B:
 - Build 2A – FALCON Identification and Notification - Includes hardware and database infrastructure to support features of the system such as criminal search of retained applicant fingerprints, retained applicant print management, arrest notifications for

designated retained applicants, Rapid ID (two finger) check and response, and DNA status check via Rapid ID process.

- Build 2B – FALCON Arrest Processing, Criminal History Record Checks for Non-Criminal Justice Customers, and Fingerprint Processing - enables the department to support public/commercial entities in applicant search of criminals and retained print search of criminals on the new database, financial management, billing of retained prints, website portal presentation, hard-card applicant processing, and image and palm capture.

Build 3

- AFIS and CCH Integration – remaining FALCON core business functionality will be added to the IOC. This phase represents the bridge from current legacy systems to the new FALCON system. FALCON will become the database of record, it will provide a much-improved RAP sheet, palm print and image searching and matching capability, agencies will be able to make corrections of criminal history information “owned” by that agency, improved management of the seal/expunge function will be implemented, arrest dispositions will be improved, and the sex offender/predator and career offender registration process will be improved.

Build 4

- Final Operational Capability (FOC) – A criminal history disaster recovery system will be established, complex interfaces to FALCON will be able to be developed, and advanced technology features may be added.

During FY 2005-06, the department spent much of the year working on implementation of a pilot project developed to comply with the Jessica Lunsford Act requirements. Two-finger fingerprint capture devices will be used as part of FALCON to either validate a subject’s identity, or search and identify a subject. This Rapid ID utility will enable: re-registration of sex offenders, biometric identification of probationers, creation of arrest notification list for probationers as a result of biometric identification or via the use of a state identification number, and management of arrest notification for probationers.

The department also recently developed specifications for Build 2A functionality and is in the early stages of the request for proposal (RFP) process. The department anticipates hiring a system integrator within the next few months.

PROJECT OBJECTIVE(S):

Monitoring this project will ensure that goals and objectives of the project are met. The Legislature’s intent for use of funds appropriated in FY 2006-07 is for Build 2A functionality which is to be completed prior to development of Build 2B.

METHODOLOGY:

Staff will monitor the progress of the Integrated Criminal History System / FALCON through quarterly meetings held with FDLE and the Technology Review Workgroup. Staff will review budget amendments requesting release of appropriated funds for this project. These amendments will be submitted to the Legislative Budget Commission for approval.

INTERIM MONITOR PROJECT TITLE:
Capital Collateral Northern Region Pilot

DATE DUE: N/A

PROJECT NUMBER: 2007-381

BACKGROUND and DESCRIPTION:

The 2003 Legislature created a three-year pilot project in which the capital collateral cases of the Northern region were assigned to private registry attorneys. The Auditor General is to conduct a review of the pilot and make recommendations to the Legislature by January 2007 on whether the registry attorneys or the capital collateral regional counsels are more efficient and effective at providing legal defense to inmates on death row.

PROJECT OBJECTIVE(S):

The project will monitor the pilot project and its review by the Auditor General in order to assist the Legislature in its consideration of the pilot.

METHODOLOGY:

Staff will interview staff from the Auditor General, the Commission on Capital Cases, and the Capital Collateral Regional Counsels. Staff will review documents and data produced by the pilot.

INTERIM MONITOR PROJECT TITLE:
Florida Clerk of Court Operations Corporation

DATE DUE: N/A

PROJECT NUMBER: 2007-382

BACKGROUND and DESCRIPTION:

The Legislature created the Clerk of Court Operations Corporation to approve the projected revenues and budgets for the 67 clerk of courts court related duties. Excess revenues from the clerks are deposited in the General Revenue Fund to support the costs of the state court system.

PROJECT OBJECTIVE(S):

The project objective is to monitor the Clerk of Court Operations Corporation in order to assist the Legislature in its oversight of the corporation.

METHODOLOGY:

Staff will review the results of the Department of Financial Services audits of the clerks as well as review statewide data on the clerks' expenditures and revenue collection.

INTERIM MONITOR PROJECT TITLE:

State Payments for Due Process Services Costs

DATE DUE: N/A

PROJECT NUMBER: 2007-383

BACKGROUND and DESCRIPTION:

Due process costs are new costs paid by the state under Revision 7 to Article V of the Florida Constitution. Such costs include private counsel when the public defender has a conflict, representation for parents under child dependency proceedings, court reporting and transcription services, ordinary and expert witnesses, mental health professionals, and pre-trial consultations.

PROJECT OBJECTIVE(S):

The objective of the project is to monitor the expenditures on due process to enable the Legislature to appropriately control such costs.

METHODOLOGY:

Staff will monitor expenditures for these services and the effect of new proviso in the General Appropriations Act aimed at containing due process costs.

INTERIM MONITOR PROJECT TITLE:

Department of Legal Affairs Trust Funds

DATE DUE: N/A

PROJECT NUMBER: 2007-384

BACKGROUND and DESCRIPTION:

The FY 2006-07 General Appropriations Act provided recurring general revenue to offset Department of Legal Affairs' costs for providing legal services to the Governor's Office and Legislature. During FY 2005-06, the department requested approval for loan transfers to the Legal Services Trust Fund to cover projected deficits due to payment processing delays from various state agencies for legal work conducted. The department has enacted an action plan to correct problems associated with the balance in the Legal Services Trust Fund. In addition, the department will transfer approximately \$25,000,000 from the Grants and Donations Trust Fund to the General Revenue Fund prior to the end of FY 2005-06. These funds are an accumulation of penalties, fines, and forfeitures collected by the Medicaid Fraud Control Unit.

PROJECT OBJECTIVE(S):

Monitoring the trust funds will ensure that the department is adhering to an action plan developed to correct problems associated with the balance in the Legal Services Trust Fund, and will ensure that funds are properly transferred to the General Revenue Fund.

METHODOLOGY:

Staff will monitor revenues, transfers, and fund balances of trust funds within the department.

INTERIM MONITOR PROJECT TITLE:

Implementation of the Price Level Increase for Private Providers in the Department of Juvenile Justice

DATE DUE: N/A

PROJECT NUMBER: 2007-385

BACKGROUND and DESCRIPTION:

The 2006 Legislature provided \$21 million for price level increases for private providers who contract with the Department of Juvenile Justice (DJJ). Over the past five years the Florida Legislature has provided \$33 million in price level increases. DJJ currently contracts with private providers for approximately \$325 million in services related to: contracted aftercare/conditional release programs, respite beds, juvenile assessment centers, early intervention programs, contracted case management, non-residential sex offender programs, redirection programs, day treatment/minimum-risk commitment programs, independent living programs, intensive delinquency diversion services, juvenile alternative services programs, multi-systemic therapy, vocational programs, and low/moderate/high/maximum-risk residential programs. The state must ensure that private providers are using the price level increases to enhance medical and mental health services for juveniles.

PROJECT OBJECTIVE(S):

This monitoring project will ensure that DJJ addresses legislative intent related to price level increases for their private providers. It will also provide information relevant to budgetary decisions for the 2007 Legislative Session.

METHODOLOGY:

Justice Appropriations staff will conduct interviews with key staff in DJJ to analyze methodologies, policies and procedures for implementing the price level increase for private providers in fiscal year 2006-2007. 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 2007 Legislature.

INTERIM MONITOR PROJECT TITLE:

Implementation of the Sheriff's Training and Respect Program in the Department of Juvenile Justice

DATE DUE: N/A

PROJECT NUMBER: 2007-386

BACKGROUND and DESCRIPTION:

The 2006 Legislature passed HB 5019 which directs the Department of Juvenile Justice (DJJ) to establish Sheriff's Training and Respect (STAR) programs in lieu of juvenile boot camps and requires DJJ to develop policies and procedures for operating such programs. Children ages 14 through 17 are eligible for the program if they have been committed to DJJ for any offense that, if committed by an adult, would be a felony other than a capital felony, life felony, or violent felony of the first degree (same as currently required for boot camps.) It allows non-sheriff local law enforcement entities to operate STAR programs. The program must prohibit the use of physical force or restraints except as authorized in rules adopted pursuant to s. 985.4055, Florida Statutes, and prohibit the use of harmful

psychological intimidation techniques. Also, the bill requires that a child must be physically examined by a physician licensed under chapter 458 or chapter 459 or an advanced registered nurse practitioner licensed and certified under chapter 464 when the child enters or exits the program. A child must complete a medical, psychological, and substance abuse evaluation before placement in the program. The state must ensure the safety and welfare of children that are in the care and custody of DJJ.

PROJECT OBJECTIVE(S):

The project will ensure that DJJ addresses legislative intent related to the implementation of STAR programs. It will also provide information relevant to budgetary decisions for the 2007 Legislative Session.

METHODOLOGY:

Justice Appropriations staff will conduct interviews with key staff in DJJ to analyze methodologies and policies and procedures for implementing the STAR program in fiscal year 2006-2007. 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 2007 Legislature.

Regulated Industries

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Underage Drinking and Alcohol Abuse on University and College Campuses

DATE DUE: November 1, 2006

PROJECT NUMBER: 2007-135

BACKGROUND and DESCRIPTION:

This study will address concerns raised by Senators Hill and King. Senator Hill has requested that the committee staff conduct an interim study on the use of alcohol on public universities and college campuses. Senator King requested that committee staff review the issue of underage drinking.

According to Senator Hill, an overwhelming number of young men and women are being lost due to alcohol abuse while attending institutions of higher learning. Alcohol abuse on college campuses have also attributed as contributing to incidents and accidents. Some of these accidents have resulted in the deaths of college students.

Senator Hill has presented several questions that he would like to see addressed in the study, including the number of alcohol-related incidents on college campuses, and the number of hospitalizations, arrests, incarcerations, and law enforcement responses. The senator is also interested in whether there are any programs on campuses to deter the use of alcohol, and whether sports venues on campuses are funded by the alcohol industry.

Senator King indicated that he was interested in receiving input from interested parties on what measures may be necessary to strengthen the current laws relating to access to alcohol by minors. Senator King introduced legislation, SB 1322, that passed the Legislature addressing a portion of the problem. His bill provided for the revocation or suspension of the driver's license of an adult who is convicted of providing alcoholic beverages to a minor in a licensed establishment.

PROJECT OBJECTIVE(S):

The project will discuss the extent of alcohol abuse on university and college campuses in Florida, including alcohol related deaths, accidents, incidents, and arrests. It will also discuss the law enforcement and administrative responses that the state's universities have taken to address these concerns. The project will review the current laws regarding prohibiting access to alcohol by minors. The study will address whether any legislative action is needed to address these concerns.

METHODOLOGY:

Staff will review the relevant statutory provisions, and other legal duties and responsibilities of the state's universities regarding on-campus alcohol abuse. Staff will also review current programs and resources that are available to the state's universities and colleges to address the issue of alcohol abuse on campus. Staff will meet with, and conduct surveys of, the state's universities and colleges, and the staffs of the Department of Education, Board of Regents, and the Department of Health. Staff will contact law enforcement personnel with the Division of Alcoholic Beverages and Tobacco in the Department of Business and Professional Regulation and other staff in the department. Staff will also

meet with representatives for state colleges and universities, student interests, law enforcement, and other interested parties.

Because the subject matter of this study, i.e., higher education, health, and substance abuse, committee staff would also work closely with the staffs of the Committee on Criminal Justice, the Committee on Education and the Committee on Health Care in order to utilize their expertise on this subject matter.

INTERIM PROJECT TITLE:

Condominium Conversions

DATE DUE: October 1, 2006

PROJECT NUMBER: 2007-136

BACKGROUND and DESCRIPTION:

Due to the substantial increase in land and home values in Florida, there are many more residential buildings being converted to condominium ownership. Rental apartments around the state are being turned into condominiums through the conversion process. This is happening throughout the state. The conversion of apartments to condominiums could affect Florida's affordable housing market.

Current law requires that a developer disclose the condition of the improvements and the condition of certain components and their current estimated replacement costs. The developer is required to disclose the age, type of construction, prior use, termite damage if any, and the condition of the roof, structure, fireproofing, elevators, heating and cooling systems, plumbing, electrical systems, swimming pool, seawalls, pavement and parking areas, and drainage systems. An architect or engineer is required to substantiate "under seal" the age of the component, the estimated remaining useful life of the component, the estimated current replacement cost of the component, including a total amount and a per-unit amount, based upon each unit's proportional share of the common expenses and the structural and functional soundness of the component. There is concern that there is no one checking these reports and that there is no requirement to estimate the maintenance costs of the components. Once the condominium association takes over the conversion, it can be facing expensive maintenance or repairs with no recourse except a lawsuit.

A recent article on condominium conversions identified several issues regarding the conversion process. See Paola Iuspa-Abbott, "Condo Conversion Blues," *Daily Business Review*, 15 Aug. 2005, A8. The article maintained that the current statutory law offered little protection for consumers and required limited accountability for developers. The article noted that once the condominium association assumes control over the converted condominium, it may face hidden structural problems and problems regarding the reserve accounts. Another criticism identified was that the corporations created for the conversion may be limited liability companies with little assets to be attached when problems arise after the conversion. Senator Margolis' office has brought this issue to the committee's attention. This issue still needs to be researched to determine if the current statutory protections are sufficient to protect Florida's consumers.

PROJECT OBJECTIVE(S):

The objective of the project is to ascertain the extent of the condominium conversions in the state, to determine if adequate statutory safeguards are in place to protect consumers and potential owners during the conversion process, and to determine if statutory changes are necessary.

METHODOLOGY:

Staff will review and analyze the current statutory provisions concerning the condominium conversion process. Staff will contact the Division of Florida Land Sales, Condominiums, and Mobile Homes in the Department of Business and Professional Regulation, individuals in the real estate and condominium industry, affordable housing representatives, consumer advocates, the Florida Housing Finance Agency, and university study centers such as the Shimberg Center for Affordable Housing at the University of Florida. Staff will review and analyze the situation in other states regarding this issue.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

<i>Elevator Safety Inspections</i>

DATE DUE: N/A

PROJECT NUMBER: 2007-387

BACKGROUND and DESCRIPTION:

In December, 2005 the Office of the Auditor General released Report No. 2006-075, which was an operational audit of the Elevator Safety Inspection program in the Department of Business and Professional Regulation. The audit identified numerous deficiencies in the operation of the program. The audit found that the application of the policies and procedures needed improvement, the license records did not contain evidence that all requirements had been met, there were significant reliability and processing issues, local governments were not timely monitored, nor were there monitoring methodologies or follow-up procedures in place, and finally, the department did not collect all elevator accident reports and the reports collected were often late and incomplete.

The department has responded to the Auditor General's report by stating that improved inspection oversight activities are being implemented, a review of the Certified Elevator Inspector records was initiated for proper record retention and maintenance of required documentation in August 2005, a reconciliation methodology was implemented to improve data reliability, a detailed monitoring plan was submitted to the local governments to include on-site monitoring, and policy revisions are underway to improve the accident reporting process.

During the 2006 Regular Session, Senator Jones, Chair of the Senate Committee on Regulated Industries and several members of the committee expressed concerns about the safety ramifications of the report's findings when the Office of the Auditor General presented this report to the committee.

Senator Jones and other members of the committee requested that committee staff monitor the implementation of the Auditor General's recommendations and findings.

PROJECT OBJECTIVE(S):

The objective of this project is to monitor the implementation of the Auditor General's recommendations for improving the safety and accountability of the Elevator Safety Inspection program.

METHODOLOGY:

Staff will meet with representative of the department and collect and analyze data submitted on the implementation of the Auditor General's recommendations. Staff will contact selected local government representatives to gather their input on the proposed monitoring of elevator inspection contracts.

INTERIM MONITOR PROJECT TITLE:

Hotel and Restaurant Inspections

DATE DUE: N/A

PROJECT NUMBER: 2007-388

BACKGROUND and DESCRIPTION:

The 2006-2007 General Appropriations Act (GAA) includes proviso language for the Department of Business and Professional Regulation (DBPR) requiring specific data to be collected and reported on the status of hotel and restaurant inspections. The agency is required to report quarterly to the Executive Office of the Governor, the chair of the Senate Ways and Means Committee, the chair of the House Fiscal Council, the Senate Regulated Industries Committee, the House Business Regulation Committee, and the Office of Program Policy Analysis and Government Accountability (OPPAGA) on the responsibilities defined in chapter 509, F.S. The quarterly report must include the number of active food and lodging establishments and lodging licenses; the number and percentage of food and lodging establishments and apartments not inspected since the beginning of the fiscal year; and the number and percentage of food and lodging establishments inspected twice since the beginning of the fiscal year.

The proviso language also directs the DBPR to monitor and evaluate all technical enhancements made to the personal digital assistants (PDAs) used by the division's inspection staff. A biannual progress report must include the specific technical enhancements that have been made or are planned to be made during the fiscal year; the implementation schedule for such enhancements, including planned field tests; the training provided to division staff on the use of the enhanced PDAs, and the productivity improvements experienced because of the enhanced PDAs.

The 2006-2007 GAA provided 12 additional positions to assist the Division of Hotels and Restaurants in meeting the statutorily required number of inspections for public food and public lodging facilities. Additional resources were also provided for the replacement of motor vehicles for the division.

OPPAGA conducted an audit of the Division of Hotels and Restaurants and reported findings in November 2005. OPPAGA recommended that the division and the Legislature take several actions to increase the number of food and lodging inspections. These include: (1) ensure success of PDA enhancements; (2) hire more inspectors; (3) streamline the enforcement process; (4) redesign the division's website; and (5) improve performance measures to better reflect core mission goals.

PROJECT OBJECTIVE(S):

The objective of the project is to monitor the number of hotel and restaurant inspections to ensure that public food and lodging establishments are inspected at least twice a year pursuant to s. 509.032(2), F.S.

METHODOLOGY:

Staff of the Regulated Industries and General Government Appropriations Committees will collect and analyze quarterly report data provided by the agency, review OPPAGA recommendations, and make recommendations for the 2007 regular Legislative session for improving the number of inspections.

INTERIM MONITOR PROJECT TITLE:

Cardroom Tournament Rules

DATE DUE: N/A

PROJECT NUMBER: 2007-389

BACKGROUND and DESCRIPTION:

The issue of how poker tournaments can be played in authorized cardrooms in Florida has been a highly contested issue over the last few years. A cardroom may be operated only at the location specified on the cardroom license issued by the Division of Pari-mutuel Wagering in the Department of Business and Professional Regulation and may be only be conducted where such permit holder is authorized to conduct pari-mutuel wagering activities subject to its pari-mutuel permit. Section 849.086(2)(c), F.S., defines “cardroom” to mean a facility where authorized card games are played for money or anything of value and to which the public is invited to participate in such games and charged a fee for participation by the operator of such facility. Authorized games and cardrooms do not constitute casino gaming operations.

Section 849.086(2)(a), F.S., defines “authorized game” at a cardroom as a game or series of games of poker which are played in a non-banking manner. Authorized cardroom games or series of games of poker may not exceed a \$2 bet with a maximum of three raises in any round of betting.

Up until 2003, an “authorized game” at a cardroom included “penny-ante games” as defined in s. 849.085, F.S., which includes a game or series of games of poker, pinochle, bridge, rummy, canasta, hearts, dominoes, or mah-jongg. Chapter 2003-295, L.O.F., amended s. 849.086(2)(a), F.S., to eliminate these games from the definition of “authorized game.”

Because of this change in the law, the division adopted rules to address the concept of poker “tournaments” being conducted at pari-mutuel facilities. The changes found in rule 61D-11.027, F.A.C., address the \$2.00 bet and raise limitations as well as how “re-buys” might affect or potentially allow a violation of such provisions. A “re-buy” describes when a card player is allowed to purchase more chips from the house during a game.

Tournaments were approved by the department between May 2004 and November 9, 2005 based on the rule which allowed a participant to pay a \$32 buy-in and paid the house \$13 for the fee to conduct the tournament. The participant received a number of no-value chips that were used to play a multiple number of games of poker. Winners were determined by the number of chips they held. Participants

were ranked and awarded cash prizes from the pot of entry fees. The \$32 entry was based on the statute's bet and raise limitations.

The rule was challenged by pari-mutuel facilities who alleged that the rule was an invalid exercise of delegated legislative authority. The Division of Administrative Hearings issued a Final Order which held the rules invalid and the First District Court of Appeal affirmed the Final Order on October 28, 2005.

Thereafter, the department issued an emergency repeal of all the tournaments rules and issued a memo to the pari-mutuel facilities with cardrooms, directing them to discontinue any tournament play that was contrary to the statutory requirements regarding wagering and advising that jackpots and gifts were prohibited.

The First District Court of Appeal found that the rule repeal was not an emergency since there was not an immediate danger to the public health, safety, or welfare. The department then proceeded to the repeal of the rules through regular rule making procedures. Certain pari-mutuel facilities filed a petition challenging the repeal, alleging in part, that the repeal constituted implementation of a new agency rule or policy which exceeds the grant of rulemaking authority under ch. 120, F.S. The Division of Administrative Hearings recently ruled that the repeal was within the department's rulemaking authority.

The department may now proceed with the repeal unless there is an appeal of the order which requests a stay. Section 849.086, F.S., has no specific provisions regarding the conduct of poker tournaments.

PROJECT OBJECTIVE(S):

The objective of this project is to monitor the situation regarding the repeal of the tournament rules for the cardrooms at the pari-mutuel facilities.

METHODOLOGY:

Staff will maintain contact with the staff of the Division of Pari-mutuel Wagering and the General Counsel's Office at the Department of Business and Professional Regulation. Staff will also maintain contact with representatives of the pari-mutuel industry. Staff will review appropriate administrative decisions and documents, and appropriate court decisions and documents.

INTERIM MONITOR PROJECT TITLE:

Implementation of Slot Machine Gaming

DATE DUE: N/A

PROJECT NUMBER: 2007-390

BACKGROUND and DESCRIPTION:

During the 2004 General Election, the electors approved Amendment 4 to the State Constitution, codified as s.23, Art. X, Florida Constitution, which authorized slot machines at existing pari-mutuel facilities in Miami-Dade and Broward Counties upon an affirmative vote of the electors in those counties. Both Miami-Dade and Broward Counties held referenda elections on March 8, 2005. The

electors approved slot machines at the pari-mutuel facilities in Broward County, but the measure was defeated in Miami-Dade County. Under the provisions of the amendment, four pari-mutuel facilities are eligible to conduct slot machine gaming in Broward County – Gulfstream Park Racing Association – thoroughbred permit holder, Pompano Park Racing – a harness racing permit holder, Dania Jai Alai – a jai alai permit holder, and Hollywood Greyhound Track – a greyhound permit holder.

Legislation was passed during 2005 Special Session B, HB 1B, ch. 2005-362, L.O.F., that implemented Amendment 4. The Division of Pari-mutuel Wagering in the Department of Business and Professional Regulation is charged with regulating the operation of slot machines in the affected counties. The division has been engaged in rulemaking. Section 551.1045, F.S., requires the division to adopt rules to implement the provisions of ch. 2005-362, L.O.F., otherwise the eligible slot machine licensee applicants must be issued a temporary license to conduct slot machine gaming.

Section 551.104(10), F.S., prohibits the issuance or renewal of a slot machine license to a thoroughbred permit holder unless the permit holder has a binding written agreement with the Florida Horsemen's Benevolent and Protective Association, Inc., governing the payment of purses on live thoroughbred races conducted at the licensee's pari-mutuel facility. The section provides for arbitration of the dispute if no agreement has been reached. There is currently a request for arbitration pending.

PROJECT OBJECTIVE(S):

The objective of this project is to monitor the adoption of rules implementing ch. 2005-362, L.O.F., and any arbitration or litigation concerning the implementation of the provisions of this chapter law.

METHODOLOGY:

Staff will maintain contact with the interested parties in the pari-mutuel industry, the staff of the Department of Business and Professional Regulation, and representatives from national gaming interests. Staff will review any arbitration or court documents filed and will continue to monitor media reports on this issue.

Transportation

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Enhancing Regional Coordination in Transportation Development

DATE DUE: October 1, 2006

PROJECT NUMBER: 2007-137

BACKGROUND and DESCRIPTION:

The planning and construction of Florida's transportation system is conducted by a variety of public entities at the local, county, and state levels. Often, these entities focus on the needs and wants of their respective electorates, resulting in a parochial view of the transportation network which pays little deference to influences outside of a given planning body's boundaries. The Legislature has, in recent years, addressed the need for increased regional coordination in the planning and construction of the state's transportation system. Through the Strategic Intermodal System and the Transportation Regional Incentive Program, the Legislature has provided guidance for prioritizing and enhancing regional transportation projects.

PROJECT OBJECTIVE(S):

This report will investigate whether the Legislature can create additional incentives for regional coordination in planning and constructing transportation projects.

METHODOLOGY:

Staff will review existing transportation programs and practices through research and interviews with local, state, and federal agencies.

INTERIM PROJECT TITLE:

Services Provided by License Tag Agents

DATE DUE: October 1, 2006

PROJECT NUMBER: 2007-138

BACKGROUND and DESCRIPTION:

Section 320.04, F.S., authorizes tax collectors to contract with license tag agents, also known as private tag agents, to process title and registration transactions of automobile dealers for the Department of Highway Safety and Motor Vehicles (DHSMV).

Due to the fact license tag agents deal with the public in carrying out critical work relating to motor vehicle titles and registrations, and because of the proliferation of their services throughout the state, accountability and standardization measures may be needed to prevent any potential problems that could arise in the future.

PROJECT OBJECTIVE(S):

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

- The disclosure, standardization and tax on fees;
- Background checks and qualifications of contracted license tag agents;
- Retaining revenue in the county where the transaction occurs;
- Notification to the tax collector of business conducted by a license tag agent; and
- Annual audits of the titling and registration work performed by a license tag agent.

With this information, an evaluation can be made to determine whether the statutes should be amended to address the authority and responsibilities of license tag agents.

METHODOLOGY:

Committee staff will review these issues by meeting with staff of DHSMV and other relevant stakeholders for input. Staff will also review current applicable statutes and rules, contracts, reports, and other documentation pertaining to license tag agents

INTERIM PROJECT TITLE:

Florida Transit Systems Overview and Funding

DATE DUE: October 1, 2006

PROJECT NUMBER: 2007-139

BACKGROUND and DESCRIPTION:

There are 21 fixed-route transit systems distributed across the state's urbanized areas. Each system is controlled by a local government or a regional association of local governments. While these transit systems play an important role in ensuring the mobility of many Floridians, none is financially self-supporting.

PROJECT OBJECTIVE(S):

The project will identify and describe Florida's fixed-route transit systems and present statistical data relating to ridership and farebox recovery.

METHODOLOGY:

Staff will research Florida transit system operations, ridership, and farebox recovery ratios by interviewing state and local transit officials and reviewing federal and state grant disbursement data.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Alternative Transportation Funding Sources

DATE DUE: N/A

PROJECT NUMBER: 2007-391

BACKGROUND and DESCRIPTION:

The funding of Florida's transportation infrastructure, particularly its roads and bridges, is derived in large part from taxes on motor fuels. Nationwide, transportation officials are becoming increasingly concerned about the long-term stability and reliability of the present finance arrangement. Of special concern is the potential for a reduction in fuel consumption and thus fuel tax collections due to advances in vehicular fuel efficiency and the rising price of motor fuels. For this reason, the most recent federal transportation reauthorization bill (SAFETEA-LU) authorized the creation of two commissions to study alternative funding sources. The Florida Department of Transportation (FDOT) is also studying alternative funding sources.

PROJECT OBJECTIVE(S):

This project will monitor the progress of federal and FDOT studies regarding alternative sources of transportation funding.

METHODOLOGY:

Staff will monitor federal and FDOT research efforts by meeting with involved parties periodically and by reviewing documentation and reports generated as a result of the research.

INTERIM MONITOR PROJECT TITLE:

Study of Outsourcing Department of Highway Safety and Motor Vehicles' Driver License Services

DATE DUE: N/A

PROJECT NUMBER: 2007-392

BACKGROUND and DESCRIPTION:

The 2006 Legislature adopted legislation to direct the Department of Highway Safety and Motor Vehicles (DHSMV) to study the outsourcing of driver license services to a provider, in whole or in part, while retaining responsibility and accountability for the services. In addition, the legislation requires DHSMV to submit a report of recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2007.

Specifically, as part of the study, DHSMV must provide a description of the services to be outsourced and must consider, but need not be limited to, the following issues:

- A detailed description of both the service to be outsourced and DHSMV's current performance of the service.
- A cost-benefit analysis of direct and indirect costs or savings; performance improvements, including reducing wait times at driver's license offices; risks; and qualitative and

quantitative benefits involved in or resulting from outsourcing the service. The cost-benefit analysis must include a detailed plan and timeline identifying all actions necessary to realize expected gains.

- A statement describing with specificity the potential effect upon applicable federal, state and local revenues; the direct effect upon general revenue, trust funds, general revenue service charges, and interest on trust funds; and the indirect effect on federal funding and cost allocations.
- A plan to ensure compliance with public-records law.
- A transition and implementation plan for addressing relevant changes in the number of DHSMV personnel, affected business processes, and employee transition issues. The plan must also specify the mechanism for continuing the service if the service provider fails to perform as required by the contract. In addition, within the plan, DHSMV must identify all resources, including full-time equivalent (FTE) positions, which are subject to outsourcing.

PROJECT OBJECTIVE(S):

The project will ensure the provisions relating to the study are carried out by January 1, 2007. Information obtained will be relevant for possible legislation during the 2007 Legislative Session.

METHODOLOGY:

Staff of the Transportation Committee will work with DHSMV to review methodologies, policies and procedures for conducting the study.

Transportation and Economic Development Appropriations

INTERIM PROJECTS

(None)

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

<i>Family Readiness Program in the Department of Military Affairs</i>

DATE DUE: N/A

PROJECT NUMBER: 2007-393

BACKGROUND and DESCRIPTION:

The Family Readiness Program in the Department of Military Affairs (DMA) was created in Fiscal Year 2005-06 and funds were appropriated in section 2 of chapter 2005-51, Laws of Florida. Funding for the program was reappropriated in the General Appropriations Act for Fiscal Year 2006-07. The agency is authorized to use the unexpended balance of funds within its original purpose.

The purpose of the program is to provide need-based assistance to family members of the Florida National Guard on active duty serving in the Global War on Terrorism and Homeland Defense operations. Funds may be used in emergency situations for critically needed services, such as reasonable living expenses, housing, vehicles, equipment or renovations necessary to meet disability needs, and health care. Monthly internal audits are to be conducted by the DMA inspector general and an annual report provided to the Governor and the Legislature.

In addition, the Department will now be authorized to contract to provide need-based assistance to family members eligible under section 250.5206, Florida Statutes.

PROJECT OBJECTIVE(S):

To monitor the Department of Military Affairs' administration and contracting to provide services for the Family Readiness Program and to determine if any program adjustments are needed.

METHODOLOGY:

Staff will work as needed with the Department of Military Affairs, substantive committees and other agencies and staff involved in the continued implementation of the Family Readiness Program.

INTERIM MONITOR PROJECT TITLE:

Early Learning Information System

DATE DUE: N/A

PROJECT NUMBER: 2007-394

BACKGROUND and DESCRIPTION:

With the advent of the Voluntary Pre-Kindergarten Program during the 2005-2006 fiscal year, administered by the Agency for Workforce Innovation (AWI), budget requests were made by AWI to automate certain manual program functions and to integrate legacy information systems used in the Early Learning programs. Appropriations totaling \$5.9 million for the 2005-2006 fiscal year were provided in Section 42 of chapter 2005-70, Laws of Florida, for two phases of the project: development of functional requirements, and system development and implementation.

As of May 2006, the development of functional requirements has not progressed as expected, as AWI had still not procured a contractor to execute that phase. Funds have been provided to continue the project during the 2006-2007 fiscal year. There remains concern that significant risks exist that could jeopardize successful execution of this project. Monthly status report meetings conducted during 2005-2006 at the request of the Technology Review Workgroup (TRW) have revealed numerous unexpected technical and management issues that have delayed the project. Continued monitoring by both legislative and executive staff is recommended.

PROJECT OBJECTIVE(S):

To monitor the activities of AWI associated with this project, and to work with the Technology Review Workgroup to develop information for legislators as needed in order to ensure that appropriate legislative oversight is maintained.

METHODOLOGY:

Staff will meet regularly with AWI and TRW staff to discuss progress and developments in the project. Timely interim committee meeting agenda items will be recommended to the committee Chair as needed to help keep committee members apprised of any issues that may arise during project implementation.

INTERIM MONITOR PROJECT TITLE:

Emergency Management

DATE DUE: N/A

PROJECT NUMBER: 2007-395

BACKGROUND and DESCRIPTION:

House Bill 7121 addresses a variety of initiatives that are designed to enhance the state's ability to prepare, respond, and recover from disasters. The bill establishes a statewide competitive grant application process, appropriating \$60 million, for funding emergency operations centers and for retrofitting public hurricane evacuation shelters. The Division of Emergency Management (DEM) in the Department of Community Affairs (DCA) is responsible for prioritizing the grant request, using criteria specified in the bill, and then submitting a funding request to the Legislative Budget Commission (LBC)

for final approval. In addition to the \$60 million for competitive grants, the bill appropriates \$91.8 million, contingent upon LBC approval, for infrastructure, planning and public awareness designed to strengthen the state's disaster preparedness and emergency management capability. In total, the bill appropriates \$151.8 million for the following initiatives:

- \$52.8 million for emergency power generators in public special-needs hurricane evacuation shelters;
- \$45 million for construction or hardening of emergency operations centers;
- \$29 million for hurricane evacuation planning and to purchase technologies to perform the plan updates and to perform computer modeling of storm-surge events;
- \$15 million for retrofitting public hurricane evacuation shelters;
- \$6.5 million for improved logistical staging and warehouse capacity for emergency commodities;
- \$3.4 million for enhanced public education and information on hurricane preparedness; and
- \$76,150 for a feasibility study on incorporating the logistical supply and distribution of essential commodities by non governmental entities into the state's emergency management plan.

PROJECT OBJECTIVE(S):

This project will keep committee members informed on the evolving statewide competitive grant process for emergency operations centers and for retrofitting public hurricane evacuation shelters, as well as the other emergency management and preparedness initiatives that will be submitted to the LBC for approval. Staff will also provide briefing materials for legislators as needed.

METHODOLOGY:

Staff will attend DEM meetings and meet periodically with staff from the Governor's Office of Policy and Budget, the DCA, and the Committee on Domestic Security. Staff will also monitor the development of the competitive grant application process and requests for funding that will be submitted to the LBC for final approval.

INTERIM MONITOR PROJECT TITLE:

Florida Highway Patrol: Managing Vacancies and Use of Overtime

DATE DUE: N/A

PROJECT NUMBER: 2007-396

BACKGROUND and DESCRIPTION:

The Department of Highway Safety and Motor Vehicles (DHSMV) has requested an increase in staffing levels for the Florida Highway Patrol (FHP) for Fiscal Year 2006-2007 and will continue to request new staffing over the next few years in accordance with a department plan that is intended to add over 300 additional new troopers. Because the agency typically has a high volume of vacant positions in this area, the Legislature over the last two fiscal years has appropriated more recurring funding for overtime in lieu of new positions. According to the DHSMV the high vacancy rate is due largely to recruitment, hiring and training issues.

PROJECT OBJECTIVE(S):

This project will monitor and analyze staffing needs, the ability of the agency to fill vacancies, and the use of overtime for the Florida Highway Patrol within the Department of Highway Safety and Motor Vehicles to determine the most efficient way to address this issue in the coming Legislative session.

METHODOLOGY:

Staff will work as needed with the DHSMV, substantive committees and other agencies and staff.

INTERIM MONITOR PROJECT TITLE:

Innovation Incentive Program

DATE DUE: N/A

PROJECT NUMBER: 2007-397

BACKGROUND and DESCRIPTION:

Committee Substitute for Committee Substitute for Senate Bill 2728 created the Innovation Incentive Program in section 288.1089, Florida Statutes. The purpose of the program is to provide resources for significant economic development projects, including the location or expansion of research and development entities and innovation businesses in Florida. The bill appropriated \$200 million of non-recurring funds for fiscal year 2006-2007. These funds must be placed in reserve by the Executive Office of the Governor on July 1, 2006. The Office of Tourism, Trade, and Economic Development (OTTED) may request the release of funds as needed to implement the program through the Legislative Budget Commission. Funds not expended in fiscal year 2006-2007, will be subject to annual appropriation.

The committee substitute requires Enterprise Florida, Inc. (EFI) to evaluate applications for innovation incentive funds and to recommend eligible businesses to OTTED. OTTED must certify the applicants as qualified businesses, and then recommend qualified businesses to the Governor for approval. The Governor is required to consult with the Legislature and receive approval prior to releasing innovation incentive funds to qualified businesses.

Recent problems encountered with the implementation of other major economic development projects, such as Scripps Florida and the Black Business Investment Board, formed the backdrop for many provisions of the bill that provide for greater legislative oversight and involvement in these types of initiatives.

PROJECT OBJECTIVE(S):

To monitor the development of proposed uses of the incentive funds by EFI, to provide analyses for consideration by the Legislative Budget Commission on Innovation Incentive Program proposals when requests are made for release of funds, and to determine what statutory or funding changes, if any, may be warranted for the 2007 legislative session.

METHODOLOGY:

Periodic meetings and communications will be held with OTTED and EFI staff, briefings will be developed for Senate Members as needed, and documentation on the expenditure detail for these funds will be maintained.

Ways and Means

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Information Technology – Senate Review and Study

DATE DUE: December 1, 2006

PROJECT NUMBER: 2007-140

BACKGROUND and DESCRIPTION:

In the 2005 legislative session, the Legislature passed CS/CS/SB 1494, to transfer operational responsibilities for wireless communications, SUNCOM, and data center management to the Department of Management Services (department) and to place the strategic planning and policy responsibilities of the State Technology Office (STO) with a successor entity, the Florida Technology Council. The bill was vetoed by the Governor, and the STO underwent de facto dissolution as the Fiscal Year 2005-2006 General Appropriations Act made no appropriation for the funding of positions in the STO budget entity. The department has subsequently met the operational responsibilities of the STO through an entity called Enterprise Information Technology Services (EITS). The EITS is headed by an interim Deputy Secretary and is comprised of Telecommunications Services, Information Services, and Wireless Services. This action has been taken by the department but is not aligned with current law.

PROJECT OBJECTIVE(S):

This interim review and study will identify:

- Gaps in operational practice and current statutes and policies,
- Unresolved operational and programmatic issues,
- Other impediments to the state achieving its vision of efficient and responsive management of information technology to meet the needs of Florida government, and
- Recommendations for resolving operational and programmatic issues and aligning proposed practices with statutes and policies.

Staff will document other state information technology policies, governance models, use of strategic plans, and management processes that ensure operational and fiscal accountability. Staff will recommend appropriate substantive, organizational, and fiscal policies for consideration by the 2007 Legislature.

METHODOLOGY:

The proposed interim review and study to address statewide information technology management issues will involve staff from the following committees:

- Ways and Means Committee (lead)
- Appropriations Committees
- Governmental Oversight and Productivity Committee

The Technology Review Workgroup will provide staff and research support. The staff of the Office of Program Policy and Governmental Accountability (OPPAGA) and the Auditor General will also be involved.

Staff will gather data for the review and study, and interview key executive, administrative, program, and information technology staff from executive branch agencies, including Cabinet agencies.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

<i>Cost-Allocation Methodology Working Group</i>
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DATE DUE: N/A

PROJECT NUMBER: 2007-398

BACKGROUND and DESCRIPTION:

Section 216.023(4)(b), Florida Statutes, requires each agency and the judicial branch to submit in a one-page summary information for the preceding year regarding the cost per unit for each activity performed or accomplished by the agency or the judicial branch. This information is to be submitted with the agency's legislative budget request due by October 15 of each year. Any agency failing to comply with these reporting requirements is subject to a 10 percent reduction in its budget during the following year.

Section 18 of HB 1123 (Enrolled) establishes a working group to assist in the development of the legislative budget request instructions relating to the computation of activity and unit cost information. This working group is composed of staff from the Governor's Office, the Office of Program Policy Analysis and Government Accountability, the Auditor General, the Department of Financial Services, and the legislative appropriations committees.

The working group is tasked with making recommendations to the Governor and presiding officers of the Legislature by December 31, 2006, regarding a cost-allocation methodology to be used by agencies and procedures to ensure that the recommended cost-allocation methodology produces auditable activity and unit cost information.

PROJECT OBJECTIVE(S):

The project will monitor the activities and work progress of the working group as it develops its recommendations to the Governor and presiding officers. Designated staff will participate in the work group. Staff will provide briefing materials for legislators as needed.

METHODOLOGY:

Staff will participate in all meetings of the working group. The 2005-2006 and 2006-2007 agency submissions for unit cost information will be reviewed to determine the usefulness of the information currently provided. Based on this assessment, recommendations may be submitted to the presiding officers regarding the legislative budget instructions.

INTERIM MONITOR PROJECT TITLE:

State Employee and Retiree Life Insurance Program

DATE DUE: N/A

PROJECT NUMBER: 2007-399

BACKGROUND and DESCRIPTION:

The State of Florida offers state employees basic term life insurance. The amount of coverage is dependent upon the pay plan in which the employee is a participant. For example, Career Service employees may enroll for an amount equal to 1.5 times the base salary, and Senior Management Service (SMS) and Selected Exempt Service (SES) may enroll for an amount equal to 2 times the base salary. For a Career Service employee, the employing agency pays about 80% of the monthly premium; for an SMS and SES employee, the employing agency pays 100% of the premium. Retirees from state employment are eligible to continue coverage in the amount of \$10,000 at a monthly premium of \$4.20.

Under current administration, the state has subsidized the true cost of the premiums by using the balance of an advanced premium account accrued by Prudential Insurance Company (Prudential) and the proceeds received by the state based on the “demutualization” of the Prudential. Based on current utilization, these balances will be eliminated by March 2007, leaving a program deficit of up to \$11.3 million through December 31, 2007.

In the Conference Report on HB 5001, the General Appropriations Act for Fiscal Year 2006-2007, the Legislature appropriated \$3.5 million from the State Employees’ Disability Insurance Trust Fund and \$10.5 million from the General Revenue Fund to the State Employees Life Insurance Trust Fund. These funds are intended to offset the premium shortfalls through the 2007 insurance plan year noted above. However, the Governor vetoed the \$10.5 million appropriation, leaving a significant deficit in the program that must be addressed prior to the open enrollment period (October 2006) for the 2007 plan year.

The Legislature has also directed the Division of State Group Insurance of the Department of Management Services to report to the Governor and Legislature regarding the life insurance program. This report must include (a) a survey of the benefits and premium levels of life insurance offered by other public employers (b) several options for various coverages and premium levels and the fiscal impacts of each option, and (c) a specific recommendation of the benefit levels to be offered active employees and retirees beginning with the 2008 plan year.

PROJECT OBJECTIVE(S):

The project will monitor the activities and work progress of the Division of State Group Insurance as it conducts the survey and develops its recommendations to the Governor and Legislature. Staff will provide briefing materials for legislators as needed.

METHODOLOGY:

Committee staff will meet with Division staff during the survey process and assist in identifying relevant information relating to the determination of the fiscal impacts of the options and recommendations.