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# AGRICULTURE

## Interim Projects

**INTERIM PROJECT TITLE:**

*Low Milk Prices Challenge Florida's Dairy Industry*

**DATE DUE:** October 1, 2009

**PROJECT NUMBER:** 2010-101

**ISSUE DESCRIPTION and BACKGROUND:**

Florida's dairy industry is challenged by lower than usual milk prices which began the first quarter of this year.

**OBJECTIVE:**

Senate Professional Staff of the Agriculture Committee will research the issues that are causing dairy farmers to receive lower than normal prices for Florida milk.

**METHODOLOGY:**

Senate Professional Staff of the Agriculture Committee will conduct site visits, meet with representatives from the state's dairy industry, the Department of Agriculture and Consumer Services, and review materials pertaining to the issue.

**INTERIM PROJECT TITLE:**

*Responsibility for Pest Control Activities of Employees*

**DATE DUE:** October 1, 2009

**PROJECT NUMBER:** 2010-102

**ISSUE DESCRIPTION and BACKGROUND:**

The Department of Agriculture and Consumer Services regulates pest control businesses. Section 482.163, F.S., establishes that the proper performance of pest control activities by a pest control business employee is the responsibility not only of the employee but also of the certified operator in charge. Currently, the certified operator in charge may be disciplined, according to statute, for the pest control activities of an employee. The section also provides that a licensee may not automatically be considered responsible for violations made by an employee. However, the licensee may not knowingly encourage, aid, or abet violations of the chapter.

The Department of Agriculture and Consumer Services takes the position that this provision prevents the Department from taking disciplinary action against business operations (pest control licensees) that have multiple similar violations by employees resulting from ineffective training or supervision. The Department maintains that this provision allows these companies to continue to operate in a manner those results in these types of violations and therefore poses a risk to consumers.

**OBJECTIVE:**

Senate Professional Staff of the Agriculture Committee will research issues surrounding pest control business licensee violations as a result of the actions of their employees. The provisions of section 482.163, F.S., will be reviewed to propose options as to how they may be amended to provide better protection for consumers.

**METHODOLOGY:**

Senate Professional Staff of the Agriculture Committee will review materials and conduct interviews on this subject with representatives of the private sector, the National Conference of State Legislatures, and the Department of Agriculture and Consumer Services.

## Mandatory Reviews

*(None)*

## Issue Briefs

<b>INTERIM ISSUE BRIEF TITLE:</b> <i>Zoonotic Diseases</i>
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**DATE DUE:** September 15, 2009

**PROJECT NUMBER:** 2010-301

**ISSUE DESCRIPTION and BACKGROUND:**

Zoonotic diseases are illnesses that can be transmitted between animals and humans. Potential threats include bacteria, viruses, fungi, and parasites that are found in feces, saliva, birthing fluids, in blood and on the fur of animals. Some have to be injected by a bite or a scratch, but others require only the most casual contact. Management and prevention of zoonotic diseases are crucial to improving public health. They influence a number of global security issues including human disease prevention, food for an increasing world population, access to international trade, species conservation and protection, and economic growth. Moreover, animal diseases raise concerns about the potential use of animal pathogens in bio-terrorism and economic espionage. The Florida Department of Agriculture and Consumer Services, the Florida Department of Health, the Centers for Disease Control and Prevention, and the United States Department of Agriculture, as well as non-government organizations have zoonotics programs. This project will explore how these entities provide a logistical framework for education, outbreak reporting, and response.

**OBJECTIVE:**

The emergence and spread of zoonotic diseases in the United States such as West Nile virus and Swine Flu have been major public health events that underscore the need for closer collaboration between public health entities. This issue brief will provide information about the programs conducted by the Florida Department of Agriculture and Consumer Services, the Florida Department of Health, the Centers for Disease Control and Prevention, and the United States Department of Agriculture and how they work together to achieve timely and accurate disease detection, diagnosis, prevention, and control.

**METHODOLOGY:**

Professional staff will contact the Florida Department of Agriculture and Consumer Services, the Florida Department of Health, the Centers for Disease Control and Prevention, and the United States Department of Agriculture for information on zoonotics programs.

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*Department of Citrus/Florida Government Accountability Act*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-401

**ISSUE DESCRIPTION and BACKGROUND:**

The Department of Citrus (department) and its respective advisory committees and the Florida Citrus Commission (commission) were subject to a sunset review process pursuant to the Florida Government Accountability Act. (ss. 11.901-920, F.S.) House Bill 7001 was passed by the 2009 Legislature as a result of this review. Consistent with the findings made during the review process, the bill continues the existence and functions of the department and the commission. The bill repeals s. 601.154, F.S., the Citrus Stabilization Act of Florida, and thereby the School Marketing Program Administrative Committee, which was formed under the authority of the Act. That language was considered to be a duplication of authority and more broadly contained in s. 601.15, F.S.

**OBJECTIVE:**

Senate Professional Staff of the Agriculture Committee in coordination with the Senate Professional Staff of the General Government Appropriations Committee will monitor implementation of the provisions of the legislation to continue the department, the commission, and repeal of the School Marketing Program Administrative Committee. Additionally, Senate Professional Staff of the two committees will monitor the relocation of the department headquarters from Lakeland to Bartow.

**METHODOLOGY:**

Senate Professional Staff of the Agriculture Committee and Senate Professional Staff of the General Government Appropriations Committee will monitor the activities of the Department of Citrus and private entities pertaining to implementation of the newly enacted provisions.

**INTERIM MONITOR PROJECT TITLE:**

*Interstate Pest Control Compact*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-402

**ISSUE DESCRIPTION and BACKGROUND:**

The bill codifies the Interstate Pest Control Compact (IPCC) and allows Florida to remain a member of the IPCC, which the state has been a member of since 1995. The IPCC provides funding resources to states that may not have the necessary available capital to respond to a new pest outbreak posing a threat

to agriculture. Member states pay an initial base assessment of \$2,000 plus a percentage of the value of the state's agriculture and forestry crops. Florida's payment totaled \$39,342 and was paid in full in 2001. Since becoming a member in 1995, Florida has received \$240,522 in funding from the IPCC Insurance Fund for noxious weed and tomato virus control activities.

The bill also provides details regarding the internal workings of the IPCC, such as the establishment of the Insurance Fund, administration of the IPCC, administration of the Insurance Fund, assistance and reimbursement procedures, and the creation of advisory and technical committees, among other things.

**OBJECTIVE:**

Senate Professional Staff of the Agriculture Committee in coordination with the Senate Professional Staff of the General Government Appropriations Committee will monitor implementation of the provisions of the legislation which codifies Florida as a member of the Interstate Pest Control Compact.

**METHODOLOGY:**

Senate Professional Staff of the Agriculture Committee and the Senate Professional Staff of the General Government Appropriations Committee will monitor the activities of the Department of Agriculture and Consumer Services pertaining to the implementation of the newly enacted provisions of the bill.

**INTERIM MONITOR PROJECT TITLE:**

*Nicole's Law*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-403

**ISSUE DESCRIPTION and BACKGROUND:**

This bill known as "Nicole's Law" requires minors under the age of 16 to wear helmets while riding an equine on any publicly owned or controlled property. The helmet must meet the current applicable standards of the American Society of Testing and Materials (ASTM) for protective headgear used in horseback riding. In addition, the helmet must be fitted properly and fastened securely upon the child's head.

A trainer, instructor, supervisor, or other person may not knowingly lease or rent an equine for riding by a minor unless a helmet is provided that meets ASTM standards. Parents of a minor are prohibited from authorizing or knowingly permitting the child to violate the requirement to wear a helmet. This bill provides for punishment of violations through a noncriminal penalty. It also provides for certain exceptions such as riding at shows or events, riding on private land, and riding while engaged in agricultural pursuits.

**OBJECTIVE:**

Senate Professional Staff of the Agriculture Committee in coordination with Senate Professional Staff of the General Government Appropriations Committee will monitor implementation of the provisions of the legislation requiring minors under the age of 16 to wear helmets while riding an equine under certain circumstances.

**METHODOLOGY:**

Senate Professional Staff of the Agriculture Committee and Senate Professional Staff of the General Government Appropriations Committee will monitor the enforcement activities pertaining to implementation of the newly enacted provisions.

**INTERIM MONITOR PROJECT TITLE:**

*Off-highway Vehicles*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-404

**ISSUE DESCRIPTION and BACKGROUND:**

This bill amends the basic definition of “ATV” to encompass larger, heavier vehicles; creates a new statutory definition of “ROV” for recreational off-highway vehicles; and expands the definition of “off-highway vehicle” to include ROVs.

The new definitions increase the number of vehicle types which may be titled under ch. 317, F.S., and consequently, the number of vehicle types authorized for operation on public lands.

**OBJECTIVE:**

Senate Professional Staff of the Agriculture Committee in coordination with the Senate Professional Staff of the General Government Appropriations Committee will monitor implementation of the provisions of the legislation pertaining to “ATV” and “ROV” as well as the number of vehicle types authorized for operation on public lands.

**METHODOLOGY:**

Senate Professional Staff of the Agriculture Committee and Senate Professional Staff of the General Government Appropriations Committee will monitor the activities pertaining to implementation of the newly enacted provisions.

**INTERIM MONITOR PROJECT TITLE:**

*Rural Agricultural Industrial Centers*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-405

**ISSUE DESCRIPTION and BACKGROUND:**

Legislation passed during the 2009 Session created alternative procedures for amending local government comprehensive plans for landowners within a rural agricultural industrial center and provided a presumption that the amendment would not promote urban sprawl if conditions in the bill were met.

**OBJECTIVE:**

Senate Professional Staff of the Agriculture Committee in coordination with the Senate Professional Staff of the Community Affairs Committee will monitor the implementation of the provisions of the

enacted legislation by the state land planning agency and local government entities to ascertain utilization and compliance.

**METHODOLOGY:**

Senate Professional Staff of the Agriculture Committee, coordinating with the Senate Professional Staff of the Community Affairs Committee, will monitor the activities of the state land planning agency and the local government entities pertaining to the implementation of the newly enacted provisions of the bill.

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# BANKING AND INSURANCE

## Interim Projects

**INTERIM PROJECT TITLE:**

*Regulation of Debt Relief Services*

**DATE DUE:** October 1, 2009

**PROJECT NUMBER:** 2010-103

**ISSUE DESCRIPTION and BACKGROUND:**

In the last few years an increasing number of disreputable companies have been capitalizing on the current economic turmoil and the credit and debt woes of consumers. These unscrupulous entities target such consumers by engaging in deceptive and misleading marketing practices (e.g., promising the cancellation of debts for pennies on the dollar or erasing bad credit on credit reports) or charging egregious fees for credit repair, debt and credit counseling, debt settlement services, and other debt relief services that will never be provided. These organizations may attempt to help debtors avoid foreclosure and bankruptcy, lower or consolidate monthly loan payments, or offer individual counseling for developing budgets. According to the Department of Legal Affairs, over 5,300 consumer complaints related to debt relief services were reported last year.

The regulation of debt relief services in Florida is fragmented; under Florida law, no state agency is specifically charged with enforcing the laws regulating these entities. For example, Part III of ch. 817, F.S., governs credit service organizations (CSOs). A CSO includes any person who, with respect to the extension of credit by others, sells, provides, performs, or represents that he or she can or will sell or provide, for a fee, services to improve a buyer's credit record, to obtain an extension of credit for a buyer, or to provide assistance to a buyer with regard to such services. The Office of the Attorney General could enforce Part II of the Chapter 501, F.S. against a CSO engaging in unfair and deceptive trade practices. A consumer harmed by a violation of this act may bring an action for recovery of actual and punitive damages, costs and attorney's fees.

Part IV of ch. 817, F.S., governs the regulation of credit counseling services and debt management services. These entities were originally created to assist consumers in financial difficulty gain control of their personal finances and reduce and repay unsecured debts for a fee. Chapter 817, F.S., provides limits on the fees that can be charged for such services. A violation of any provision of Part IV of ch. 817, F.S., is an unfair or deceptive trade practice under the Florida Deceptive and Unfair Trade Practices Act.

**OBJECTIVE:**

To determine whether the current Florida laws provide adequate consumer protections for persons receiving debt relief services.

**METHODOLOGY:**

Senate Professional Staff will research laws in other major states to determine how these debt relief services companies are regulated. Senate Professional Staff will also solicit comments from private and public stakeholders.



## Mandatory Reviews

**INTERIM MANDATORY REVIEW TITLE:**

*Open Government Sunset Review of Section 440.3851, F.S., Florida Self-insurers Guaranty Association, Incorporated*

**DATE DUE:** September 1, 2009

**PROJECT NUMBER:** 2010-201

**ISSUE DESCRIPTION and BACKGROUND:**

The Open Government Sunset Review Act provides for the review of exemptions to open records and meetings requirements 5 years after enactment. Section 440.3851, F.S., is an exemption for specified records and meetings of the Florida Self-Insurers Guaranty Association, Inc., and provides for release of such records under certain circumstances. The public records and meeting exemption will repeal on October 2, 2010, unless reviewed and saved from repeal.

**OBJECTIVE:**

The exemption for specified records and meetings of the Florida Self-Insurers Guaranty Association 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. The review will focus on the exemptions and application of the exemption by Florida Self-Insurers Guaranty Association.

**METHODOLOGY:**

The Florida Self-Insurers Guaranty Association will be surveyed to determine its practices regarding the exemption. Other private and public stakeholders also will be surveyed.

**INTERIM MANDATORY REVIEW TITLE:**

*Open Government Sunset Review of Section 497.172, F.S., The Board of Funeral, Cemetery, and Consumer Services*

**DATE DUE:** September 1, 2009

**PROJECT NUMBER:** 2010-202

**ISSUE DESCRIPTION and BACKGROUND:**

The Open Government Sunset Review Act provides for the review of exemptions to open records and meetings requirements five years after enactment. In 2005, legislation was enacted that created public records exemptions for the Board of Funeral, Cemetery, and Consumer Services in the following circumstances: when holding meetings conducted for the purpose of developing or reviewing licensure examination questions and answers, when holding probable cause panel meetings, when scheduling inspections and special examinations for information held by the Department of Financial Services pursuant to a financial examination or inspection, and for trade secrets of a licensee or applicant for license. These public records exemptions will repeal on October 2, 2010 unless reviewed and saved from repeal by reenactment by the Legislature.

**OBJECTIVE:**

The project objective is to review s. 497.172, 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, amended, or permitted to sunset.

**METHODOLOGY:**

Senate Professional Staff will conduct the mandatory review by gathering information from the Department of Financial Services and by reviewing relevant case law.

**INTERIM MANDATORY REVIEW TITLE:**

*Open Government Sunset Review of Section 627.0628(3)(f), F.S., Trade Secrets Used in Hurricane Models*

**DATE DUE:** September 1, 2009

**PROJECT NUMBER:** 2010-203

**ISSUE DESCRIPTION and BACKGROUND:**

The Open Government Sunset Review Act provides for the review of an exemption to the open records requirements five years after the exemption is enacted. Section 627.0628(3)(f)1., F.S., is an exemption for trade secrets, as defined in Section 812.081, F.S., that are used in designing and constructing hurricane loss models that are submitted by private modeling companies to the Florida Commission on Hurricane Loss Projection Methodology (the commission), the Office of Insurance Regulation (OIR), or the consumer advocate. Section 627.0628(3)(f)2., F.S., is an exemption for that portion of a meeting of the commission or that portion of a rate proceeding at which a trade secret is discussed. This exemption will be repealed on October 2, 2010, unless reviewed and saved from repeal by reenactment by the Legislature.

**OBJECTIVE:**

The exemption for trade secrets submitted by private modeling companies to the commission and the exemption for that portion of a commission meeting or a rate proceeding at which a trade secret is discussed will be reviewed using the standards provided in s. 119.15, F.S., the Open Government Sunset Review Act, to determine if the exemption meets those standards and to determine if a recommendation should be made to save the exemption from repeal. The review will focus on the exemption and its application by private modeling entities designing and constructing hurricane loss models, and its application by the commission.

**METHODOLOGY:**

Senate Professional Staff will survey the commission, the OIR, the insurance consumer advocate and the private modeling companies that develop hurricane loss models, to determine whether the exemption should be retained, retained and revised, or allowed to sunset.

**INTERIM MANDATORY REVIEW TITLE:**

***Open Government Sunset Review of Section 627.06292, F.S., Hurricane Loss and Associated Exposure Data Utilized for the Development of the Public Hurricane Loss Model***

**DATE DUE:** September 1, 2009

**PROJECT NUMBER:** 2010-204

**ISSUE DESCRIPTION and BACKGROUND:**

The Open Government Sunset Review Act (Act) provides for the review of an exemption to the open records requirements five years after the exemption is enacted. Section 627.06292, F.S., is an exemption for reports of hurricane loss and associated exposure data which pertains to a particular insurer, as reported by the insurer or licensed rating organization to the Office of Insurance Regulation (OIR) or to Florida International University (FIU), for the development of the public hurricane loss model. Hurricane loss data and associated exposure data is defined to mean the type, age, wind mitigation features and location of each property insured; the amount and type of coverage on each of those properties; the amount, date and type of damage paid for by the insurer on each property; and the amount of reserves held by an insurer for future payments or expenses on damages associated with the date of occurrence of hurricanes. This exemption will be repealed on October 2, 2010, unless reviewed and saved from repeal.

**OBJECTIVE:**

The exemption for specified reports of hurricane loss and exposure data will be reviewed using the standards provided in s. 119.15, F.S., the Open Government Sunset Review Act, to determine if the exemption meets those standards and to determine if a recommendation should be made to save the exemption from repeal. The review will focus on the exemption and its application by insurers, the OIR and FIU.

**METHODOLOGY:**

Senate Professional Staff will review the instant exemption pursuant to the standards set forth in the Act, contact insurers and rating organizations as well as the staff with the OIR and FIU, to determine whether the exemption should be retained, retained with amendments, or allowed to sunset.

## Issue Briefs

**INTERIM ISSUE BRIEF TITLE:**

***Cancer Drug Coverage***

**DATE DUE:** October 1, 2009

**PROJECT NUMBER:** 2010-302

**ISSUE DESCRIPTION and BACKGROUND:**

Historically, chemotherapy treatment for cancer has typically been administered to patients intravenously (IV) at either an outpatient oncology clinic or a hospital. As cancer treatment has evolved, however, many chemotherapy drugs can now be administered orally, contingent upon the patient's condition and the availability of a specific oral medication.

The reimbursement and coverage associated with the chemotherapy may be different for oral treatment versus an IV treatment since coverage for IVs are paid under the medical benefit component of the policy or contract rather than under the pharmacy benefit. Insurers may require policyholders to pay a co-payment or deductible for services and supplies provided in the physician's office or hospital outpatient setting whereas pharmacy benefit co-payments can vary by insurer with tiered co-payments or flat co-payments. Some plans have an annual dollar limit for pharmacy benefits that is different than the annual limit on the medical benefits.

Recently, some states have enacted legislation that mandate insurers provide equivalent coverage and reimbursement for chemotherapy treatment regardless of the method of delivery, intravenously or orally. However, these state mandates do not apply to self-insured employers, who represent approximately of one-third of all insured employers, since they are exempt under the federal ERISA law.

**OBJECTIVE:**

To determine how health insurers provide health insurance coverage and reimbursement for oral chemotherapy treatment and IV chemotherapy treatment. To determine the business practices used by an insurer in establishing the amount to charge patients and reimburse providers. To determine the basis for differences in coverage and reimbursement.

**METHODOLOGY:**

Senate professional staff will attempt to gather the data necessary to make the determinations specified in the objectives above. Senate professional staff will survey the Office of Insurance Regulation (OIR) to determine how premiums for such health insurance coverage are regulated, access existing public records relevant to the objectives, and seek data (subject to any limitations relating to proprietary data or trade secrets) from insurers, physicians, and other providers. The Health Regulation Committee professional staff will assist the Banking and Insurance Committee professional staff.

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*Implementation of Legislation Relating to Mortgage Brokering and Lending*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-406

**ISSUE DESCRIPTION and BACKGROUND:**

In 2009, the Florida Legislature codified the provisions of the federal "Secure and Fair Enforcement for Mortgage Licensing Act of 2008" ("S.A.F.E.") by the enactment of CS/CS/CS/SB 2226. The intent of S.A.F.E. is to provide greater accountability and regulation of individual loan originators (mortgage brokers and mortgage lenders) and enhance consumer protections by establishing minimum licensure and registration requirements for loan originators. The Senate Bill implements the minimum standards of S.A.F.E. and increases licensure and enforcement authority for the Office of Financial Regulation (OFR) to regulate loan originators, mortgage broker businesses, and non-depository, mortgage lender businesses. The implementation of the bill will require a substantial revision of the licensure process by the OFR and mandatory participation in a national licensure database.

**OBJECTIVE:**

To monitor OFR's implementation of the legislation.

**METHODOLOGY:**

Participate in workshops and other meetings held by the OFR, obtain periodic information from the OFR regarding the status of the rulemaking, and monitor changes in the licensure process.

**INTERIM MONITOR PROJECT TITLE:**

*Implementation of Legislation Relating to Property Insurance*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-407

**ISSUE DESCRIPTION and BACKGROUND:**

In 2009, the Legislature passed CS/CS/CS/HB 1495, which imposes wide-ranging changes to the regulation of property insurance, the most significant of which are:

Citizens Property Insurance Corporation ("Citizens")

- Implements a rate "glide path" capped at 10 percent per year for Citizen's policyholders until rates are actuarially sound. This provision will go into effect on or after January 1, 2010.
- Authorizes Citizens to increase its rates to pay for the Florida Hurricane Catastrophe Fund's (FHCF) "cash build up" program for 5 years. Estimated rate impact to be less than one percent per year.

Florida Hurricane Catastrophe Fund ("FHCF" or "Fund")

- Implements provisions to reduce the FHCF's exposure and increase its cash reserves by providing for the following:
- Phases out the Temporary Increase in Coverage Limit (TICL) layer of coverage over a 6-year period at a rate of \$2 billion per year.
- Increases the price of the TICL layer by an additional multiple each year until TICL is eliminated in 6 years.
- Authorizes the Fund to implement a "cash build up" factor which would increase the reimbursement premiums that the Fund charges property insurers for the mandatory layer of coverage provided by the Fund.

Insurance Rate Filings

- Allows insurers to make a separate expedited rate filing limited solely to an adjustment of its rates for reinsurance or financing costs relating to the purchase of reinsurance or financing products to replace or finance the payment of the amount covered by the Fund's TICL layer, including replacement reinsurance for the TICL reductions, as well as the cash build up factor and the increase in the price for the remaining TICL layers.

**OBJECTIVE:**

To monitor the implementation of the legislation by Citizens, the FHCF, the OIR, the DFS, the OPPAGA, the Florida Commission on Hurricane Loss Projection Methodology and other affected groups.

**METHODOLOGY:**

Senate Professional Staff will attend meetings and obtain information from the above listed entities as to how the legislation is being implemented.

**INTERIM MONITOR PROJECT TITLE:**

*Title Insurance Study Advisory Council*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-408

**ISSUE DESCRIPTION and BACKGROUND:**

The Legislature created the Title Insurance Study Advisory Council (Council) in 2008 (Ch. 2008-198, L.O.F.) in order to provide a comprehensive examination of the title insurance system in Florida. The Council must make findings and recommendations in its final report to the Governor, Speaker of the House of Representatives and President of the Senate on or before December 31, 2009.

The Council is composed of 21 members including the Governor or designee serving as chair; the Chief Financial Officer or designee serving as vice chair; one member of the Senate appointed by the President; one member of the House of Representatives appointed by the Speaker; the Insurance Consumer Advocate; the Commissioners of Insurance Regulation and Financial Regulation or their designees; three representatives of title insurers and two independent title agents appointed by the Senate President; four representatives of title insurers and one independent title agent appointed by the Speaker of the House of Representatives; two members designated by the Real Property, Probate and Trust Law Section of the Florida Bar; one member of the banking industry appointed by the Commissioner of Financial Regulation; and one member of the real estate industry appointed by the Chief Financial Officer.

The Council is administratively supported by the staff of the Executive Office of the Governor with specified agencies and legislative committees supplying information, assistance and facilities. The Legislature's Office of Program Policy Analysis and Governmental Accountability (OPPAGA) has written a historical analysis of title insurance and reported its findings to the Council last Fall. The Council, which meets in Tallahassee, has already held two meetings.

**OBJECTIVE:**

To monitor the meetings and recommendations of the Title Insurance Study Advisory Council.

**METHODOLOGY:**

Review the report by OPPAGA, attend the meetings of the Title Insurance Study Advisory Council, and review all materials presented to the Council.



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# CHILDREN, FAMILIES, AND ELDER AFFAIRS

## Interim Projects

**INTERIM PROJECT TITLE:**

*Review of Section 63.082(6), F.S., Intervention by Private Adoption Entities in the Adoption of Certain Children in the Custody of the Department of Children and Family Services*

**DATE DUE:** October 1, 2009

**PROJECT NUMBER:** 2010-104

**ISSUE DESCRIPTION and BACKGROUND:**

Section 63.082(6), F.S., provides that private adoption entities may intervene in the adoption proceeding of a minor child who is in the custody of the Department of Children and Family Services (DCF) if (a) parental rights have not been terminated; (b) the entity produces a favorable preliminary home study of the prospective adoptive parents; and (c) valid consents for placement of the minor with the entity have been obtained. If the court finds the adoption is in the best interest of the child, it shall enter an order immediately transferring custody to the prospective adoptive parents. Supervision of the child is transferred from DCF to the adoption entity, which must make monthly reports to DCF on the status of the child until the adoption is finalized.

Private adoption practitioners report that there are widespread differences in adherence to this statute around the state. In several large counties, intervention occurs without issue; in others, DCF and its community based providers (CBC) routinely object to the intervention and slow the private adoption process. It is unclear why these variations in judicial practice exist.

**OBJECTIVE:**

The purposes of this project are to:

- Review Section 63.082(6), F.S., and its practice rules;
- Meet with Office of State Court Administrators (OSCA), DCF, adoption practitioners, judges, and other interested stakeholders;
- Determine whether and why there are variations in judicial practice; and
- Propose legislation as may be appropriate to address the findings.

**METHODOLOGY:**

Senate professional staff will review Florida Statutes, court rules, case law, treatises and articles to determine how the intervention process is intended to occur. Senate Professional Staff will also survey select judicial circuits to determine how interventions are handled around the state. An Interim Project will be produced.



**INTERIM PROJECT TITLE:**

***Review of the Provision of Independent Living Services to Minors***

**DATE DUE:** October 1, 2009

**PROJECT NUMBER:** 2010-105

**ISSUE DESCRIPTION and BACKGROUND:**

The tragic death of three month old Emanuel Wesley Murray on May 5, 2009 brought to the forefront issues surrounding domestic violence and the dependency system. Richard McTear, 21, the ex-boyfriend of Emanuel's mother, Jasmine, 17, is alleged to have killed the baby. (On May 20, 2009, Mr. McTear pleaded not guilty to the charges against him.) Ms. Bedwell is a foster child who receives independent living services through Hillsborough Kids, Inc. (HKI), the Department of Children and Families' (DCF) community based care (CBC) lead agency. She had suffered violence at the hands of Mr. McTear prior to her son's death and was fearful of him. At least one incident of violence occurred in the baby's presence. She shared her fears with staff at HKI. The agencies involved continue to review the chain of events leading to Emanuel's death.

The agencies involved continue to review the chain of events leading to Emanuel's death. It remains unclear whether the independent living services Ms. Bedwell received could have, or should have, protected the 17 year old and her son from the violence.

**OBJECTIVE:**

The purpose of this project is to review the provision of services to unemancipated minors in the independent living program to include:

- Review of Chapter 409 as it relates to the independent living program;
- Review of the law on *parens patriae* as it may relate to independent living;
- Review of the services provided through the independent living programs in Hillsborough, Brevard and Leon counties;
- Meet with DCF and CBC administrators, independent living services providers, and foster children served by the program; and
- Propose legislation as may be appropriate to address the findings.

**METHODOLOGY:**

Senate professional staff will review Florida Statutes, rules, and case law, as well as treatises, articles, and case law from other states concerning the provision of independent living services to minors. Senate Professional Staff will survey or interview DCF and CBC staff, independent living providers, and foster children served by the program to obtain additional information.

## Mandatory Reviews

**INTERIM MANDATORY REVIEW TITLE:**

*Agency Sunset Review of the Department of Children and Family Services*

**DATE DUE:** December 1, 2009

**PROJECT NUMBER:** 2010-205

**ISSUE DESCRIPTION and BACKGROUND:**

Sections 11.901-.920, F.S, are known as the Florida Government Accountability Act. Under this act, most state agencies are subject to a “sunset” review process to determine whether the agency should be retained, modified, or abolished. Reviews are accomplished in three steps. First, an agency under review must produce specific information as enumerated in statute. Second, upon receipt of the agency information, the joint Legislative Sunset Committee and the legislative committees assigned to act as sunset review committees must review the information submitted and may request studies by the Office of Program Policy Analysis and Government Accountability (OPPAGA). Third, based on the agency submissions, the OPPAGA studies, and public input, the joint committee and the assigned legislative sunset review committees will make recommendations to the Legislature by March 1 of the year in which the agency is subject to review, regarding the termination, modification, or continuation of the agency and its programs. The assigned legislative sunset review committees will also propose necessary legislation.

The Legislature will then consider the recommendations and the proposed legislation. An agency may be abolished if the Legislature, pursuant to law, finds that all state laws the agency had responsibility to implement or enforce have been repealed, revised, or reassigned to another remaining agency and that adequate provision has been made to transfer certain duties and obligations to a successor agency.

For the Department of Children and Family Services (DCF or department), the review process began with DCF submitting the required information by July 1, 2008. Staff of the Senate Children, Families, and Elder Affairs Committee (Committee), with the assistance of staff of the Senate Health and Human Services Appropriations Committee, prepared Issue Brief 2009-304, Agency Sunset Review of the Department of Children and Family Services, that identified and described DCF’s programs and made recommendations for further review. The Committee adopted a list of issues for further review by OPPAGA in accordance with the recommendations contained in the Issue Brief.

**OBJECTIVE:**

During the 2-year process, each agency under sunset review will have its programs examined to determine the effectiveness and efficiency of the agency’s work and the necessity of continuing the duties and responsibilities assigned to the agency. At the end of the review process, based on the recommendations of the assigned sunset review committees, proposed legislation will be drafted to continue, modify, or abolish the agency under review.

**METHODOLOGY:**

Senate professional staff will review all relevant OPPAGA reports and studies prepared in accordance with the recommendations adopted in the Issue Brief, all relevant Auditor General and agency inspector general reports, public testimony and submissions, all reports or recommendations

prepared by or at the direction of the Joint Legislative Sunset Review Committee, and any other information deemed relevant by the Committee. As directed by the Committee, Senate professional staff will draft proposed legislation to continue, modify, or abolish DCF.

**INTERIM MANDATORY REVIEW TITLE:**

*Open Government Sunset Review of Section 409.25661, F.S., Insurance Claims Data for Public Assistance Coordination of Benefits*

**DATE DUE:** September 1, 2009

**PROJECT NUMBER:** 2010-206

**ISSUE DESCRIPTION and BACKGROUND:**

Section 409.25659, F.S., requires the Department of Revenue (DOR) to develop and operate a data match system in which an insurer may voluntarily provide the department with the name, address, and, if known, date of birth and social security number or other taxpayer identification number for each noncustodial parent who has a claim with the insurer and who owes past due child support. Section 409.25661, F.S., provides that specified information regarding a noncustodial parent who owes past due child support, collected by DOR pursuant to s. 409.25659, F.S., is confidential and exempt from public records. This exemption was created during the 2004 Legislative Session and was subject to the Open Government Sunset Review Act in 2009. That review was completed (Interim Project 2009-202), and the Legislature voted to extend the exemption to October 2, 2010 (Chapter 2009-119, L.O.F.). At that time the paragraph will stand repealed unless reviewed and saved from repeal through reenactment by the Legislature.

**OBJECTIVE:**

Under s. 119.15, F.S., the Open Government Sunset Review Act, exemptions under s. 24, Art. I of the State Constitution are subject to repeal unless reviewed and saved from repeal by the Legislature pursuant to the standards established in the act. The objective of this review is to recommend whether or not the public records exemption should be retained.

**METHODOLOGY:**

Senate Professional Staff will review the current exemption pursuant to the standards of the Open Government Sunset Review Act and survey DOR to determine whether the exemption should be retained, retained with amendments, or allowed to sunset.

**INTERIM MANDATORY REVIEW TITLE:**

*Open Government Sunset Review of Section 39.0132(4)(a)2., F. S., Guardians Ad Litem*

**DATE DUE:** September 1, 2009

**PROJECT NUMBER:** 2010-207

**ISSUE DESCRIPTION and BACKGROUND:**

Section 39.0132(4)(a)2., F. S., provides that any information related to the best interest of a child and held by a Guardian ad Litem is confidential and exempt from the requirements of public records law. This information includes medical, mental health, substance abuse, child care, education, law

enforcement, court, social services, and financial records, and any other information that is otherwise confidential pursuant to Chapter 39, F.S. The subparagraph stands repealed on October 2, 2010, unless reviewed and saved from repeal through reenactment by the Legislature.

**OBJECTIVE:**

Under s. 119.15, F.S., the Open Government Sunset Review Act, exemptions under 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 objective of this review is to recommend whether or not the public records exemption should be retained.

**METHODOLOGY:**

Senate Professional Staff will review the current exemption pursuant to the standards of the Open Government Sunset Review Act and survey the Statewide and local offices of Guardian ad Litem to determine whether the exemption should be retained, retained with amendments, or allowed to sunset.

**INTERIM MANDATORY REVIEW TITLE:**

*Open Government Sunset Review of Section 741.3165, F. S., Domestic Violence Fatality Review Team*

**DATE DUE:** September 1, 2009

**PROJECT NUMBER:** 2010-208

**ISSUE DESCRIPTION and BACKGROUND:**

Domestic Violence Fatality Review Teams, administratively housed in the Department of Children and Family Services, may be established at the local, regional, or state level in order to review fatal and near-fatal instances of domestic violence, related domestic violence matters, and suicides. The purpose of the teams is to learn how to prevent domestic violence through early intervention and improved response, and to make policy and other recommendations on how these incidents may be prevented.

Section 741.3165(1)(a), F.S., provides that information held by a Domestic Violence Fatality Review Team in the conduct of its activities that is confidential or exempt shall retain its confidential or exempt status. Section 741.3165(1)(b), F. S., provides that any information in a record created by a team that reveals the identity of a victim of domestic violence or of his or her children is confidential and exempt from the requirements of the public records law. Section 741.3165(2), F.S., provides that portions of team meetings during which confidential or identifying information is discussed are exempt from the open meeting provision.

Section 741.3165, F.S., stands repealed on October 2, 2010, unless reviewed and saved from repeal through reenactment by the Legislature.

**OBJECTIVE:**

Under s. 119.15, F.S., the Open Government Sunset Review Act, exemptions under 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 objective of this review is to recommend whether or not the public records exemption should be retained.

**METHODOLOGY:**

Senate Professional Staff will review the current exemption pursuant to the standards of the Open Government Sunset Review Act and survey the Department of Children and Family Services, the Domestic Violence Fatality Review Teams, and domestic violence centers across the state to determine whether the exemption should be retained, retained with amendments, or allowed to sunset.

**INTERIM MANDATORY REVIEW TITLE:**

*Open Government Sunset Review of Section 741.465, F.S., Office of the Attorney General, Supervisor of Elections, and the Department of State Confidentiality Program for Victims of Domestic Violence*

**DATE DUE:** September 1, 2009

**PROJECT NUMBER:** 2010-209

**ISSUE DESCRIPTION and BACKGROUND:**

The Address Confidentiality Program for Victims of Domestic Violence is established in the Office of Attorney General (OAG) to enable state and local agencies to respond to requests for public records without disclosing the location of a victim of domestic violence. Persons who are victims of domestic violence and who fear for their safety may apply to the program for use of an address designated by the Attorney General as a substitute mailing address. Program participants may request that state and local agencies or other governmental entities use the designated substitute address. First class mail sent to the substitute address is forwarded to the participant.

Section 741.465, F.S., provides that the addresses, telephone numbers, and social security numbers of program participants held by the OAG are exempt from disclosure under the public records law with certain exceptions.

In 2003, s. 741.465, F.S., was reviewed, amended and reenacted (see ch. 2003-185, L.O.F.). At that time, subsection (2) of s. 741.465, F.S., was made subject to the Open Government Sunset Review Act and was scheduled for repeal on October 2, 2008, unless re-enacted (see s. 4, ch. 2003-185, L.O.F.). In 2005, subsection (2) of s. 741.465, F.S., was again amended (see s. 2, ch. 2005-279, L.O.F.). The 2005 chapter law provides that s. 741.465, F.S., must be reviewed and saved from repeal by October 1, 2010. However, because subsection (2) is the only section of s. 741.465, F.S., that was amended in 2005, it is the only section that is now subject to review.

**OBJECTIVE:**

Under s. 119.15, F.S., the Open Government Sunset Review Act, exemptions under 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 objective of this review is to recommend whether or not the public records exemption should be retained.

**METHODOLOGY:**

Senate Professional Staff will review the current exemption pursuant to the standards of the Open Government Sunset Review Act and survey the Florida Coalition Against Domestic Violence, the Office of the Attorney General, the Department of State, and the Supervisors of Elections to determine whether the exemption should be retained, retained with amendments, or allowed to sunset.

**INTERIM MANDATORY REVIEW TITLE:**  
*Review of Child Support Guidelines*

**DATE DUE:** October 1, 2009

**PROJECT NUMBER:** 2010-210

**ISSUE DESCRIPTION and BACKGROUND:**

Pursuant to 42 USCA s. 667, each state must review its guidelines for child support, at least once every four years, to ensure that the application of these guidelines results in the determination of appropriate child support award amounts.

In 2007, the legislature appropriated \$59,500 from the Incentive Trust Fund and \$115,500 from the Grants and Donations Trust Fund to be used by the Department of Revenue (DOR) to fund the child support guideline review, to be conducted by the Office of Economic and Demographic Research (EDR). From the funds provided for this purpose, DOR shall reimburse EDR for contractual costs incurred to conduct the review of the child support guidelines schedule in accordance with the federal Family Support Act of 1988 and submit a final report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by June 30, 2008.

The Office of Economic and Demographic Research contracted with Florida State University for the purpose of collecting and analyzing the economic data necessary for the review. The review was completed in January 2009.

**OBJECTIVE:**

The objective of this project is to compile a list of recommendations stemming from the review in preparation for proposed legislation.

**METHODOLOGY:**

Senate professional staff will compile the recommendations and prepare proposed legislation to address the issues for consideration by the Committee.

## Issue Briefs

**INTERIM ISSUE BRIEF TITLE:**  
*Review of Domestic Violence Issues in the Dependency Process*

**DATE DUE:** September 15, 2009

**PROJECT NUMBER:** 2010-303

**ISSUE DESCRIPTION and BACKGROUND:**

The tragic death of three month old Emanuel Wesley Murray on May 5, 2009 brought to the forefront issues surrounding domestic violence and the dependency system. Richard McTear, 21, the ex-boyfriend of Emanuel's mother, Jasmine, 17, is alleged to have killed the baby. (On May 20, 2009, Mr. McTear pleaded not guilty to the charges against him.) Ms. Bedwell is a foster child who receives independent living services through Hillsborough Kids, Inc. (HKI), the Department of Children and

Families' (DCF) community based care (CBC) lead agency. She had suffered violence at the hands of Mr. McTear prior to her son's death and was fearful of him. At least one incident of violence occurred in the baby's presence. She shared her fears with staff at HKI. The agencies involved continue to review the chain of events leading to Emanuel's death.

In Florida, exposure to domestic violence may be grounds for removal of a child in a dependency proceeding. However, it appears that appellate decisions rarely uphold the trial courts' opinions that witnessing or being present during incidents of domestic violence is a basis for a finding of harm to the child in a dependency proceeding. As a result, it is difficult for DCF and the CBCs to intervene on behalf of the infants and children who are parts of these families. In *C.W. v. Department of Children and Families*, 2009 WL 762173 (Fla.App. 1 Dist. March 25, 2009), for example, the First DCA opined that a three month old child, held in his father's arms as the father was being choked by the infant's mother, could not be found dependent because he did not "appreciate" any physical or mental injury that did or could occur as required by Chapter 39 standards. The decision followed similar reasoning in earlier cases. It is unclear why this jurisprudential trend has emerged, but it may be appropriate in light of recent events to review the standards for findings of harm to the child as a result of domestic violence in the dependency process.

**OBJECTIVE:**

The purposes of this project are to:

- Review Chapter 39 as it relates to domestic violence;
- Analyze the dependency case law in this area; and
- Meet with the dependency bar (DCF, OAG, Florida Bar Committee on the Legal Needs of Children), the Florida Coalition Against Domestic Violence, law enforcement, and other interested stakeholders.

**METHODOLOGY:**

Senate professional staff will review Florida Statutes, rules, and case law, as well as treatises, articles, and case law from other states concerning standards for findings of harm to the child as a result of domestic violence. Senate Professional Staff will survey or interview members of the dependency bar, the Florida Coalition Against Domestic Violence, law enforcement, and other stakeholders to obtain additional information.

**INTERIM ISSUE BRIEF TITLE:**

*"Temporary Parents" as an Alternative to the Foster Care System*

**DATE DUE:** September 15, 2009

**PROJECT NUMBER:** 2010-304

**ISSUE DESCRIPTION and BACKGROUND:**

The traditional foster care system is state-run, court-based, and often disruptive of the family unit it seeks to preserve. Programs in several states, including Florida, provide an alternative to that model by offering parents in crisis a temporary safe haven for their children outside of state foster care.

**OBJECTIVE:**

The purpose of this issue brief is to determine how these programs operate and whether there are best practice models that could be duplicated in Florida.

**METHODOLOGY:**

Senate professional staff will produce an Issue Brief, which will include a survey of states to determine which have these programs; a literature review relating to the program concept; a survey of selected programs to identify common principles and problems; and identification of best practices.

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*Agency for Persons with Disabilities' Expansion of the Consumer Directed Care Plus Program*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-409

**ISSUE DESCRIPTION and BACKGROUND:**

Pursuant to proviso language associated with Specific Appropriation 243 in the 2009-2010 General Appropriations Act, the Agency for Persons with Disabilities (APD) is authorized to expand enrollment in the Consumer Directed Care Plus (CDC+) program by up to 2,500 persons. Savings from the expanded enrollment is to be used to serve clients on APD's waiting list for services.

**OBJECTIVE:**

This project is to monitor APD's expansion of the CDC+ program and the use of savings to serve clients on the waiting list for services.

**METHODOLOGY:**

Senate professional staff will attend meetings and communicate with APD staff regarding the CDC+ expansion.

**INTERIM MONITOR PROJECT TITLE:**

*Department of Children and Family Services Workgroup on Use of Psychotropic Medications by Foster Children*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-410

**ISSUE DESCRIPTION and BACKGROUND:**

On April 16, 2009, seven year old Gabriel Myers hanged himself. He was a foster child in the care of ChildNet, the Department of Children and Family Services' (DCF) community-based care lead agency. The Department has confirmed that Gabriel had been prescribed more than one psychotropic medication to address his mental health issues, but has also expressed concern that the drugs were inappropriately prescribed. In response, DCF Secretary Sheldon has convened a workgroup to examine the use of psychotropic medications by foster children.

**OBJECTIVE:**

This project is to monitor the proceedings of the workgroup.



**METHODOLOGY:**

Senate professional staff will attend meetings of the workgroup and communicate with DCF and other interested parties.

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# COMMERCE

## Interim Projects

(None)

## Mandatory Reviews

**INTERIM MANDATORY REVIEW TITLE:**

*Sunset Review of the Qualified Target Industry Tax Refund Incentive Program, Section 288.106, F.S.*

**DATE DUE:** December 1, 2009

**PROJECT NUMBER:** 2010-211

**ISSUE DESCRIPTION and BACKGROUND:**

The Qualified Target Industry Tax (QTI) Refund Incentive Program, in s. 288.106, F.S., sunsets June 30, 2010.

QTI is the most used of the state's economic development programs. It was created by the Florida Legislature in 1994 to attract businesses that offer high-wage jobs and have a largely non-Florida customer base. These businesses may either relocate to Florida, or expand their existing operations in Florida.

Eligible businesses must represent one of the categories of industries on a Targeted Industries List, developed by the Governor's Office of Tourism, Trade, and Economic Development (OTTED) and Enterprise Florida, Inc. (EFI): manufacturing facilities; finance and insurance services; wholesale trade; information industries; professional, scientific, and technical services; management services, and administrative and support services. The list is in the process of being updated to include Space Research and Technology and Alternative Energy Production that is market or resource-dependent.

Businesses that locate or expand in Florida are eligible for tax refunds of \$3,000 for each new job created that pays an average annual salary of 115 percent of the average private-sector annual wage. The subsidy increases to \$6,000 per job for businesses that locate in an enterprise zone or rural county. A business is eligible for an additional \$1,000-per-job created if it pays more than 150 percent of the average area private-sector wage, and a \$2,000-per-job bonus if the wage exceeds 200 percent of the average area private-sector wage. The business must create at least 10 new jobs.

In any single fiscal year, a QTI business may not receive more than \$1.5 million in job subsidies, or more than \$2.5 million if the project is located in an enterprise zone. The maximum a QTI business can receive over the term of its agreement with OTTED is \$5 million, or \$7.5 million if the project is located in an enterprise zone.

Another QTI requirement is local government support via a resolution passed by the county commission, and a match of at least 20 percent of the amount of the state's award. The local match can include the amount of ad valorem tax abatement or the appraised market value of public land and

structures deeded to or leased by the QTI business. OTTED may waive the local match for rural communities that are unable to provide it.

Taxes eligible for refund under the QTI program are:

- Corporate income taxes under ch. 220, F.S.;
- Insurance premium taxes under s. 624.509, F.S.;
- Taxes on the sales, use, and other transactions under ch. 212, F.S.;
- Intangible personal property taxes under ch. 199, F.S.;
- Emergency excise taxes under ch. 221, F.S.;
- Excise taxes on documents under ch. 201, F.S.;
- Ad valorem taxes paid, as defined in s. 220.03(1), F.S.; and
- Certain state communications services taxes administered under ch. 202, F.S.

Businesses that have received or are contracted to receive a QTI (or any other state economic development incentive) are tracked on a state database maintained by OTTED, referred to as the Economic Development Information System (EDIS). The EDIS includes such information as: the selected business' industry sector; the number of new jobs created or retained; the average annual wages for those jobs; incentive payments made to date; the amount of private capital investment; if business is located in an enterprise zone or rural area of economic concern; and the current status of the projects.

In FY 2007-2008 (the most recent data available), OTTED approved 53 of 83 submitted QTI applications. The 53 approved projects have committed to create 5,678 new jobs, paying an average wage of \$51,726. Since the program was created in 1994, OTTED has entered into agreements with 678 companies, of which 302 either are still active or have completed their contracts for the subsidy, resulting in an estimated 67,004 jobs created and paying an average annual wage of \$42,730.

**OBJECTIVE:**

The purpose of the interim project is to review the QTI program to determine if it should be renewed, and if so, whether it should be modified to improve its effectiveness.

**METHODOLOGY:**

Commerce Committee staff, working with the Senate Transportation and Economic Development Appropriations Committee, will employ a number of research methods, including:

- Researching relevant Florida and other states' statutes;
- Researching reports, economic analyses, and academic papers on the topic of economic incentives;
- Reviewing the EDIS maintained by OTTED and EFI;
- Interviewing OTTED and EFI staff, QTI businesses, local economic development organizations and business organizations, and economists; and
- Surveying QTI recipients, business groups, OTTED and EFI, and economic development staff in other states.

**INTERIM MANDATORY REVIEW TITLE:**

*Agency Sunset Review of the Division of Corporations of the Department of State*

**DATE DUE:** December 1, 2009

**PROJECT NUMBER:** 2010-212

**ISSUE DESCRIPTION and BACKGROUND:**

Sections 11.901- 11.920, F.S., are known as the Florida Government Accountability Act (act). Under this act, most state agencies are subject to a “sunset” review process to determine whether the agency should be retained, modified, or abolished. Reviews are accomplished in three steps. First, an agency under review must produce specific information as enumerated in statute. Second, upon receipt of the agency information, the Joint Legislative Sunset Review Committee and the legislative committees assigned to act as sunset review committees must review the information submitted and may request studies by the Office of Program Policy Analysis and Government Accountability (OPPAGA). Third, based on the agency submissions, the OPPAGA studies, and public input, the joint committee and the assigned legislative sunset review committees will make recommendations to the Legislature by March 1 of the year in which the agency is subject to review, regarding the termination, modification, or continuation of the agency and its programs. The assigned legislative sunset review committees will also propose necessary legislation.

The Legislature will then consider the recommendations and the proposed legislation. An agency may be abolished if the Legislature, pursuant to law, finds that all state laws the agency had responsibility to implement or enforce have been repealed, revised, or reassigned to another remaining agency and that adequate provision has been made to transfer certain duties and obligations to a successor agency.

For the Department State (DOS), the review process began with DOS submitting the required information by July 1, 2008. Staff of the Senate Commerce Committee (Committee), with the assistance of staff of the Senate Transportation and Economic Development Appropriations Committee, prepared Issue Brief 2009-308, Agency Sunset Review of the Division of Corporations of the Department of State, that identified and described DOS’s programs and makes recommendations for further review.

**OBJECTIVE:**

During the 2-year sunset review process, each agency under sunset review will have its programs examined to determine the effectiveness and efficiency of the agency’s work and the necessity of continuing the duties and responsibilities assigned to the agency. At the end of the review process, based on the recommendations of the assigned sunset review committees, proposed legislation will be drafted to continue, modify, or abolish the agency under review.

**METHODOLOGY:**

Senate professional staff will review all relevant OPPAGA reports and studies prepared in accordance with the recommendations adopted in the Issue Brief, all relevant Auditor General and agency inspector general reports, public testimony and submissions, all reports or recommendations prepared by or at the direction of the Joint Legislative Sunset Review Committee, and any other information deemed relevant by the Committee. As directed by the Committee, Senate professional staff will draft proposed legislation to continue, modify, or abolish the agency.

## Issue Briefs

**INTERIM ISSUE BRIEF TITLE:**

***Automobile Event Data Recorders***

**DATE DUE:** September 15, 2009

**PROJECT NUMBER:** 2010-305

**ISSUE DESCRIPTION and BACKGROUND:**

Approximately 30 million cars in America contain a little silver box, called an “event data recorder” (EDR). When a person driving an automobile that contains an EDR either makes a sudden maneuver in the car or is in an accident that deploys the airbags, the EDR is then triggered and information such as the rate of speed of the automobile, whether the driver was braking, and the integrity of the safety devices of the automobile is recorded. Specifically, federal law requires the following data elements to be recorded from all vehicles equipped with an EDR:

- Delta-V, longitudinal; maximum delta-V, longitudinal; time maximum delta-V (measures crash severity)
- Speed, vehicle indicated
- Engine throttle, percent full (or accelerator pedal, percent full)
- Service brake, on/off
- Ignition cycle, crash
- Ignition cycle, download
- Safety belt status, driver
- Frontal air bag warning lamp, on/off
- Frontal air bag deployment, time to deploy, in the case of a single stage air bag, or time to first stage deployment, in the case of a multi-stage air bag, right front passenger
- Multi-event, number of crash events (1, 2)
- Time between two crash events, if applicable
- Whether the EDR completed recording the data or whether the recording was interrupted (yes, no)

Federal law also permits the following additional information to be recorded by an EDR under certain conditions:

- Lateral acceleration, longitudinal acceleration, and normal acceleration
- Delta V, lateral; maximum delta-V, lateral; time maximum delta-V, resultant (measures crash severity)
- Engine rpm
- Vehicle roll angle
- ABS (anti-lock brake) activity (engaged, non-engaged)
- Stability control (on, off, engaged)
- Steering input
- Safety belt status, right front passenger (buckled, not buckled)
- Frontal air bag suppression switch status, right front passenger (on, off, or auto)
- Frontal air bag deployment, time to nth stage, right front passenger
- Frontal airbag deployment, nth stage disposal for the driver and the right front passenger, Y/N (whether the nth stage deployment was for occupant restraint or propellant disposal purposes)
- Side air bag deployment (time to deploy) for the driver and right front passenger
- Side curtain/ tube air bag deployment (time to deploy) for the driver side and right side
- Pretensioner deployment (time to fire) for the driver and right front passenger
- Seat track position switch, foremost, status, for the driver and right front passenger
- Occupant size classification for the driver and right front passenger

The event data recorder mechanism was originally developed to determine the adequacies or inadequacies of certain safety devices in order to develop better safety equipment in automobiles. However, in the last few years, the information retrieved from EDRs has been used in litigation for criminal prosecution, civil tort cases, and insurance defense. Moreover, at least one insurance company has used EDR data to adjust the insurance rates of its customers.

Because the general public may not be aware of such tracking devices within their automobiles, some people may be concerned that the use of EDRs and the information they collect are an infringement of their privacy. Also, it is questionable as to who owns the recorded information. Finally, if such information is used against the driver or passengers of an automobile in a criminal or civil suit, due process questions may arise.

**OBJECTIVE:**

This issue brief will analyze and address the issues related to event data recording technology used in automobiles. Specifically, this brief will:

- Describe the history of EDR technology and its purposes;
- Provide an estimate of the number of EDRs in use;
- Outline and describe the type of data currently collected by EDRs;
- Identify the various uses of EDRs and the data collected from them;
- Provide a consumer, industry, and regulatory perspective as to the use of EDRs; and
- Identify emerging issues.

**METHODOLOGY:**

Professional staff will conduct document and Internet research pertaining to the history of EDR technology and the uses of EDRs. Furthermore, staff will research state and federal laws concerning the regulation of EDRs. Staff will interview industry representatives and state and federal agency representatives familiar with the EDR technology. In addition, staff may make a site visit at an industry location to see an EDR, how it operates, and the type of data it records.

**INTERIM ISSUE BRIEF TITLE:**

*Emerging Issues Related to Florida's Unemployment Compensation Program*

**DATE DUE:** September 15, 2009

**PROJECT NUMBER:** 2010-306

**ISSUE DESCRIPTION and BACKGROUND:**

Unemployment compensation (UC) is a joint federal and state administered program that provides benefits to eligible workers who are unemployed through no-fault of their own (as determined under state law) and who meet the requirements of state law. Individual states collect UC payroll taxes on a quarterly basis, which are used to pay benefits, while the Internal Revenue Service collects an annual federal payroll tax under the Federal Unemployment Tax Act (FUTA), used to provide grants to the states to fund administration of their UC programs. States are permitted to set eligibility conditions for UC benefit recipients so long as the state provisions are not in conflict with FUTA or Social Security Act requirements. The Agency for Workforce Innovation (AWI) is the agency responsible for administering Florida's UC laws.

This year, a number of program and systems issues emerged that impact the administration of the Florida's UC program.

The American Recovery and Reinvestment Act of 2009 (the Recovery Act) was signed into law in February 2009. In part, this act allocates funding to UC programs at the state and federal level, to include:

- A \$25 increase in weekly UC benefit payments;
- An extension of UC filing dates for federally funded emergency UC benefits;
- A grant of \$31.7 million to AWI to be used to improve UC benefit and tax operations, and staff-assisted reemployment services to unemployed claimants;
- A temporary waiver for interest charged on any advances made to cover state UC Trust Fund deficits; and
- Full funding of temporary state extended UC benefits for former private-sector employees.

Due to the increasing unemployment rate in Florida, the UC Trust Fund has recently been paying out more funds than it has been collecting. It is predicted that the UC Trust Fund will be in deficit by August 2009. To alleviate this solvency issue, in 2009 the Legislature changed the way that the employer contributions to the trust fund are calculated. In addition, it clarified the Governor's authority to request advances from the federal government to finance the UC Trust Fund.

The Legislature also authorized temporary state extended UC benefits for those who have exhausted their regular and emergency federal extended benefits. One-hundred percent of benefits paid to former private sector employees will be paid by the federal government; former state and local government employees will be paid by their former public employers. This extension of benefits was one of the funding options offered to states through the American Recovery and Reinvestment Act of 2009.

The national recession and the corresponding increase in Florida's unemployment rate have exposed the long-recognized inadequacy of the current UC Claims and Benefits technology system. The system and related services rely heavily on paper-based processes and legacy technology centered on the agency's 30-year old Claims and Benefits mainframe application. In response to new challenges, AWI created individual solutions outside the mainframe, resulting in the current environment consisting of over 15 separate applications on multiple platforms. In 2009, the Legislature appropriated \$2 million from nonrecurring federal UC administrative funds to develop specifications for the new system that will eliminate paper-based processors where feasible and provide the public with automated, self-service access to program services.

**OBJECTIVE:**

This issue brief will address emerging issues related to Florida's Unemployment Compensation program:

- Profile the Unemployment Compensation program, including program basics and the impact of the American Recovery and Reinvestment Act of 2009;
- Review the implementation of legislation passed during the 2009 Legislative Session;
- Monitor the solvency status of the Unemployment Compensation Trust Fund, including the impact of any federal advances, the 2009 legislative changes, and additional options to qualify the state for federal funds; and
- Update on the development of the new Unemployment Compensation Claims and Benefits Information System.

**METHODOLOGY:**

Commerce Committee staff, in consultation with the Transportation and Economic Development Appropriations Committee, will communicate with the Agency for Workforce Innovation regarding the implementation of the new legislation, administration of the UC program, and the development of the Unemployment Compensation Claims and Benefits Information System.

Commerce Committee staff will also analyze resources of the U.S. Department of Labor and other pertinent agencies to assess implementation of the UC laws.

**INTERIM ISSUE BRIEF TITLE:**

***Review of Space Florida's Infrastructure Projects***

**DATE DUE:** September 15, 2009

**PROJECT NUMBER:** 2010-307

**ISSUE DESCRIPTION and BACKGROUND:**

Space Florida, a statutorily created independent special district, is responsible for promoting the development of a sustainable aerospace industry, space infrastructure, and educational opportunities for people interested in working in the industry. In recent years it has emphasized recruitment of commercial aerospace launch companies. Space Florida's efforts to make the state more attractive to commercial launch companies include:

- Entering into an agreement with the U.S. Air Force 45th Space Wing to lease Launch Complex 36 (LC-36). Space Florida plans to renovate LC-36 into a multi-use launch facility, using \$14.5 million in state funds appropriated in FY 2008-2009.
- Encouraging the U.S. Air Force to assign Launch Complex 40 (LC-40) to private company SpaceX prior to its demolition. SpaceX received LC-40 with its more than \$250 million in existing infrastructure and buildings, won bid contracts from NASA in excess of \$1.6 billion, and received more than \$2 million in cash and in-kind support from Space Florida.
- Marketing state-owned space infrastructure, which includes LC-46; the 50,000-square-foot Reusable Launch Vehicle (RLV) hangar; the \$30 million Space Life Sciences Lab, home to International Space Station research, and associated life sciences and biological research; and the Operational Storage Facility (OSF), located at Camp Blanding, and currently leased to United Launch Alliance for storage of Atlas V rocket motors.
- Developing plans for "Exploration Park," planned as a mixed-use, multi-tenant technology and commerce park supporting both government and commercial space activities. Space Florida recently selected a general contractor to design and build the complex in phases. It will be located near the existing Space Life Sciences Lab, and on non-restricted property within Kennedy Space Center.

Although not owned by Space Florida, the Operations and Checkout (O&C) Building at Kennedy Space Center, which has been renovated with \$35 million in state funds, is another example of infrastructure crucial to the state's aerospace industry. The O&C Building, owned by Lockheed-Martin, is being used as the assembly plant for NASA's Crew Exploration Vehicle (CEV), dubbed the "Orion," which is scheduled to replace the Space Shuttle.

Space Florida received no funds for FY 09-10 for infrastructure, but \$3.8 million for its operations.



A 2009 report by the Office of Program Policy and Government Accountability (OPPAGA) indicated that while Space Florida is meeting many of its statutory responsibilities, its Business Plan lacked objectives, performance measures, and timelines for accomplishing goals. In addition, its Spaceport Master Plan, the blueprint for how the state's aerospace infrastructure will be developed and used, is incomplete. Space Florida has promised to update its Business Plan and complete the Spaceport Master Plan by the end of the year.

These plans are expected to include information about how Space Florida plans to utilize the state-owned infrastructure to their highest potential – information that is especially crucial now that the Obama Administration is re-evaluating the NASA's role and funding, including whether to proceed with the Constellation program that includes the Orion crew vehicle.

**OBJECTIVE:**

This issue brief will address the following issues:

- Review the history of the state's development or acquisition of the aerospace infrastructure managed by Space Florida, and the state's \$35 million expenditure to upgrade the O&C Building owned by Lockheed-Martin;
- Identify Space Florida's current and proposed plans for these facilities;
- Monitor the development of these state-owned, or state-funded, aerospace infrastructure;
- Identify the emerging developments in NASA's Florida mission, especially as it relates to the use of the state's facilities; and
- Identify other states' and nations' aerospace infrastructure.

**METHODOLOGY:**

Over the interim, Commerce Committee staff will interview staff of Space Florida; the Governor's Office on Tourism, Trade, and Economic Development; NASA; aerospace-related contractors doing business in Florida's Space Coast; and Space Florida's private-sector partners for information about Florida's aerospace infrastructure. Committee staff also will conduct interviews and literature research about other states' aerospace-related infrastructure. Finally, committee staff also may request permission to travel to Kennedy Space Center and Cape Canaveral to tour the state-owned or state-subsidized aerospace infrastructure.

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*Enterprise Florida, Inc.'s, Activities Related to the Florida Opportunity Fund*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-411

**ISSUE DESCRIPTION and BACKGROUND:**

In 2007, the Legislature passed ch. 2007-189, L.O.F., the Capital Formation Act, a multi-faceted approach to nurturing Florida entrepreneurs and young Florida companies. One component of the legislation was creation of the Florida Opportunity Fund (Fund), designed to provide state venture capital, to be matched by private capital, for investment in seed and early-stage venture capital funds focused on Florida companies engaged in life sciences, information technology, aviation and aerospace,

and other strategic technologies. The investments must be made on a fund-to-fund basis, meaning no direct investments in individual companies, which lessens risk. The Fund is a private, not-for-profit corporation, with Enterprise Florida, Inc., (EFI) as its sole shareholder. Its 5-member board of directors is selected by an EFI committee.

In FY 2007-2008, the Legislature appropriated \$29.5 million to the Fund as seed capital. Earlier this year, the Fund's investment managers entered into agreements to invest \$4 million of the appropriation, and are preparing contracts to make three additional investments in late May.

In 2009, the Legislature passed CS/CS/HB 7031, which included among its provisions an expansion of the Opportunity Fund to allow direct investments, including loans, to individual businesses and infrastructure projects. This change was made in anticipation of the state being able to use some of its federal stimulus funds as investment capital into energy technologies, according to EFI.

These direct investments must be matched at least \$2 to every \$1 invested by the Fund; must be made in Florida infrastructure projects or businesses that are either based in Florida or which have significant business activities in Florida; and must be in technology industry sectors that are strategic to Florida.

The original state appropriation of \$29.5 million may not be used for direct investments, including loans, to businesses or infrastructure projects, or for any purpose not specified in the legislation that created the Fund.

**OBJECTIVE:**

The purpose of this project is to monitor the activities of EFI and its investment management team as they implement the new and existing requirements relating to use of the Florida Opportunity Fund.

**METHODOLOGY:**

Over the interim, Commerce Committee staff will periodically contact EFI staff, the Opportunity Fund investment managers, the Governor's Commission on Energy and Climate, and other relevant entities as necessary to track the implementation of the legislation.

Also, Commerce Committee staff will communicate as necessary with the staffs of the Senate Transportation and Economic Development Appropriations Committee and the Office of Program Policy and Government Accountability, for their input.

**INTERIM MONITOR PROJECT TITLE:**

*Implementation of Legislation Relating to "Economic Gardening"*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-412

**ISSUE DESCRIPTION and BACKGROUND:**

During Special Session A in January 2009, the Legislature created the Economic Gardening Business Loan Pilot Program and the Economic Gardening Technical Assistance Program, to assist young businesses with the potential for quick growth in revenues and jobs (commonly referred to as

“gazelles”). The Governor’s Office of Tourism, Trade, and Economic Development (OTTED) is responsible for managing the initiatives, and is currently in the process of implementing them.

The loan pilot program is designed to provide low-interest, short-term loans to eligible businesses for working-capital expenses, employee training, and salaries of new employees.

Under the technical assistance pilot program, a third-party contractor with expertise in business outreach and development will work with eligible businesses to assist them with their infrastructure, networking, and mentoring needs.

Eligibility requirements are identical for both pilot programs. Eligible businesses must be Florida-based, for-profit companies that:

- Employ between 10 and 50 people;
- Generate between \$1 million and \$25 million annual revenues;
- Have experienced steady growth in gross revenues and employment during 3 of the last 5 years; and
- Are eligible for the Qualified Targeted Industry tax refund program, which typically means it pays its employees at least 115 percent of the annual average private-sector wage in the region in which the business is located.

The program was appropriated \$10 million, of which up to \$1.5 million may be used for the technical assistance pilot program. Any unused or repaid funds revert to the State General Fund on July 1, 2011.

The legislation allows OTTED to enter into grant agreements with eligible “loan administrators,” who will make the 4-year loans of up to \$250,000, at 2 percent interest, to qualified applicants. Loan administrators must:

- Be a not-for-profit entity incorporated under ch. 617, F.S., whose principle place of business is in Florida;
- Have 5 years of verifiable experience of lending to businesses in this state; and
- Have submitted an application to OTTED that includes its business plan, with specified information, for lending activity under the program.

The loan administrators will make loans based on a determination of which applicants are in the best position to continue making a successful long-term business commitment to Florida. When evaluating the applications, the loan administrators also must consider whether an applicant has received local-government incentives and waivers of local taxes or fees, and whether the applicant has access to other investments or funding sources.

OTTED must submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a semi-annual report detailing the use of the business loan funds, and an annual report each December 31, reporting on the activities of the technical assistance program.

As mentioned above, OTTED continues to work on implementing the Economic Gardening initiatives. OTTED staff says the rules and application forms for the loan program will be submitted to the Florida Administrative Code in May 2009, and that the RFP for selecting the person or entity for the technical assistance program is nearing final form.

**OBJECTIVE:**

The purpose of this project is to monitor OTTED's progress in implementing the Economic Gardening initiatives, and to monitor how the loan and technical assistance programs are working once they are underway.

**METHODOLOGY:**

Over the interim, Commerce Committee staff will periodically contact OTTED staff, the loan administrators, and the person or entity conducting the technical assistance program to track the implementation of the Economic Gardening legislation.

Also, Commerce Committee staff will communicate as necessary with the staffs of the Senate Transportation and Economic Development Appropriations Committee and the Office of Program Policy and Government Accountability, for their input.

**INTERIM MONITOR PROJECT TITLE:**

*Implementation of the Small Business Regulatory Relief Act*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-413

**ISSUE DESCRIPTION and BACKGROUND:**

In the 2008 Regular Session, the Legislature created the Small Business Regulatory Relief Act to address issues related to small businesses in Florida. Sections 288.001, 288.7001 and 288.7002, F.S.:

- Designate the Florida Small Business Development Center Network (network) as the principle business-assistance organization for small businesses in this state.
- Establish the 9-member Small Business Regulatory Review Advisory Council (council).
- Create the Office of Small Business Advocate (advocate).

The council has a number of duties, the most important of which is to provide state agencies with input regarding proposed rules or programs that may adversely affect small businesses. It also reviews agency rules in conjunction with the agency sunset review process in current law. The council is directed to provide the Governor, the President of the Senate, and the Speaker of the House of Representatives an annual report on its activities.

The council is housed for administrative purposes within the network. The Governor, the President of the Senate, and the Speaker of the House of Representatives have each appointed 3 members to the council. The council members serve without salary, and are not entitled to per diem or state compensation for travel expenses. The council replaced the responsibilities of the "small business ombudsman," a position that was housed in the Governor's Office of Tourism, Trade, and Economic Development.

The Small Business Advocate has a number of responsibilities:

- Representing the views and interests of small businesses before the Legislature and agencies;
- Receiving and responding to complaints from small businesses about agency rules or state laws that may adversely affect small businesses;

- Creating a website and coordinating statewide meetings on small-business issues; and
- Submitting an annual report to the Governor and the Legislature about the office's activities.

The advocate is housed within Florida's Small Business Development Center Network and can either be an employee of, or under contract with, the network. In FY 2009-10, \$250,000 was appropriated by the Legislature to the network. However, the appropriation is not limited to fund the implementation of the requirements of this law.

This law also amends ss. 11.908, 11.911, and 11.919, F.S., to provide a role for the council to participate in the agency sunset review process.

Finally, this law amended ss. 120.54 and 120.74, F.S., related to agency rulemaking. The changes to s. 120.54, F.S., are:

- Agencies must prepare a statement of estimated regulatory costs of their proposed rules that impact small businesses;
- The council, which replaces the small business ombudsman in OTTED, is directed to review agency rules and to recommend alternatives that achieve the same goal, but are less burdensome to small businesses; and
- If an agency does not adopt the council's alternative rule, the council may request the Legislature's presiding officers to direct the Office of Program Policy Analysis and Government Accountability (OPPAGA) to determine whether the rejected alternative does achieve the agency's goals and reduce impacts on small businesses. OPPAGA will forward its report to the Joint Administrative Procedures Committee, which in turn will forward the OPPAGA recommendation to the applicable agency. The agency must respond in writing why it will not accept an alternative rule proposed by the council.

Section 120.74, F.S., was amended to require agencies to:

- Include in their biennial rule review a determination of whether rules should be amended or repealed to reduce their impacts on small businesses and to require state agencies to prepare a statement of estimated regulatory cost if their proposed rules will impact small business.
- Include in their annual rulemaking reports to the Legislature a discussion of how their rules impact small businesses.

**OBJECTIVE:**

The purpose of this monitoring project is to track how the council, the advocate, and the network are implementing their statutorily required responsibilities. Additionally, professional staff will contact several agencies to determine how the law is impacting their rulemaking activities.

**METHODOLOGY:**

Professional staff will monitor the implementation of the Small Business Regulatory Relief Act to determine whether the council and the advocate are performing the tasks as assigned to them by the Legislature. As necessary, professional staff will conduct interviews of council members, the advocate, and others involved in the implementation of the law, and may attend council meetings, either in person or telephonically.

**INTERIM MONITOR PROJECT TITLE:**

*The Task Force on Biotech Competitiveness*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-414

**ISSUE DESCRIPTION and BACKGROUND:**

The 2007 Legislature passed CS/HB 543, whose provisions include the creation of the 17-member Task Force for the Study of Biotech Competitiveness (task force). The task force's stated purpose was to study several elements of Florida's economy, with a goal toward recommending modifications to state tax policies, and to education and economic incentive programs, in order to attract or retain biotech manufacturing and distribution companies. Section 4 of ch. 2007-152, L.O.F., required that the task force's final report was due to the Governor and the Legislature by January 1, 2009. Because of delays in appointing the members, the Governor extended the deadline to June 30, 2009, when the task force disbands.

The task force met several times over the last 6 months, and developed a number of preliminary recommendations in areas consistent with its statutory mission to study and develop policies related to:

- The effect of Florida's taxation system on attracting biotech manufacturing and distribution facilities to this state;
- Florida's water policies and their effect on the water needs of the biotech manufacturing processes;
- The state's education and workforce training programs, and workforce preparedness for employment in the biotech field;
- The state's policies and regulations of Medicaid and other types of health insurance plans, and the extent to which they support biotech products; and
- Other states' initiatives that have been successful in attracting biotech facilities.

Among the task force's preliminary recommendations are to:

- Create a state funding program to help build business incubators, and provide resources to the "Centers of Excellence" program and the university tech transfer centers;
- Create state "gap" funding for young businesses trying to attract grants to commercialize their inventions;
- Develop strategies to attract more federal and private grant funding to Florida; and
- Improve Florida's efforts to market itself to business interests and to venture capitalists.

**OBJECTIVE:**

Monitor the task force's activities through June 30, 2009; review the final report; and monitor efforts to draft legislation based on the final report.

**METHODOLOGY:**

Staff will attend, at least telephonically, the task force's final meetings and periodically contact the staff in the Governor's Office on Tourism, Trade, and Economic Development assigned to the task force for updates.



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# COMMUNICATIONS, ENERGY, AND PUBLIC UTILITIES

## Interim Projects

(None)

## Mandatory Reviews

(None)

## Issue Briefs

<b>INTERIM ISSUE BRIEF TITLE:</b>
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<i>Issues Involved in Providing an Economic Incentive to Enable Expansion of Renewable Energy</i>
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**DATE DUE:** September 15, 2009

**PROJECT NUMBER:** 2010-308

**ISSUE DESCRIPTION and BACKGROUND:**

The Florida Legislature has taken steps in recent years to encourage expansion of use of renewable energy. The primary reason for continued limitations on this expansion is a lack of a sufficient economic incentive or subsidy for renewable energy, which currently costs more than energy produced by traditional methods.

**OBJECTIVE:**

To discuss the background of efforts to expand use of renewable energy in Florida, with a focus on the economic factors involved, and to identify and discuss alternative methods of providing a subsidy or economic incentive for renewable energy, including the costs, benefits, and impacts of each method.

**METHODOLOGY:**

Research and analyze existing law, underlying policy, and recent activities in Florida to encourage expansion of use of renewable energy, research the costs of renewable energy, and research and analyze various methods of providing an economic subsidy for renewable energy and their effects. Review and analyze material and information provided by interested parties.



## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*Broadband Mapping and Federal Stimulus Funds Acquisition and Distribution*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-415

**ISSUE DESCRIPTION and BACKGROUND:**

SB2626 requires the Department of Management Services (DMS) to conduct a needs assessment of broadband Internet service to develop geographical information systems maps and create a strategic plan for increasing use of broadband Internet service in rural, unserved, and underserved areas. DMS is also required to set priorities, apply for, and accept federal funds and grants.

The purpose of this requirement is twofold. The first is to determine the status of broadband Internet service deployment in Florida. Federal policy contemplates broadband Internet service access by consumers residing in unserved, underserved, and rural areas. The second purpose is economic stimulation by using federal funds to meet the federal goals.

**OBJECTIVE:**

To ascertain the extent of broadband Internet service coverage and monitor the resulting economic stimulus effects of the grants that are awarded by the federal government.

**METHODOLOGY:**

Committee professional staff will monitor the DMS rulemaking proceedings and resulting contract award relating to the broadband mapping. Through survey and direct contact, staff will also determine the types of grants that are requested and awarded by and to both governmental and private providers. Any materials or information that is provided to staff by interested entities will be reviewed and analyzed.

**INTERIM MONITOR PROJECT TITLE:**

*Florida Energy and Climate Commission Activities Relating to Federal Stimulus Funds, Grants, and Oversight of the Florida Energy Systems Consortium, Including its Funding Allocations*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-416

**ISSUE DESCRIPTION and BACKGROUND:**

The Florida Energy and Climate Commission was created in the 2008 Regular Session. Among its duties are:

- Administering the Florida Renewable Energy and Energy Efficient Technologies Grants Program (s. 377.6015(a), F.S.);
- Administering the Florida Green Government Grants Act (s. 377.6015(c), F.S.);
- Performing or coordinating the functions of any federal energy programs delegated to the state, including obtaining and disbursing federal stimulus funds relating to energy (s. 377.703(2)(b), F.S.);

- As a part of the oversight committee for the Florida Energy Systems Consortium, ensuring that the consortium maintains accurate records of any funds received and meets financial and technical performance expectations (s. 1004.648, F.S.).

**OBJECTIVE:**

To monitor the commission's activities in obtaining and disbursing federal stimulus money and the use of other funds.

**METHODOLOGY:**

Communicate with commission staff, attend relevant meetings, obtain information on past grants.

**INTERIM MONITOR PROJECT TITLE:**

*Florida Public Service Commission Development of Efficiency and Conservation Goals*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-417

**ISSUE DESCRIPTION and BACKGROUND:**

In the 2008 Regular Session, the Legislature amended s. 366.82, F.S., part of the Florida Energy Efficiency and Conservation Act, to revise the requirement that the Florida Public Service Commission (commission) adopt goals for increasing the efficiency of energy consumption, including goals to increase conservation and reduce the growth rate of electric consumption. The legislation established a new standard the commission is to use in setting these goals and allowing cost recovery for efficiency program costs, requiring that in establishing the goals, it take into consideration:

- The costs and benefits to customers participating in the measure.
- The costs and benefits to the general body of ratepayers as a whole, including utility incentives and participant contributions.
- The need for incentives to promote both customer-owned and utility-owned energy efficiency and demand-side renewable energy systems.
- The costs imposed by state and federal regulations on the emission of greenhouse gases.

The goals must also encourage development of "demand-side renewable energy resources" defined as "a system located on a customer's premises generating thermal or electric energy using Florida renewable energy resources and primarily intended to offset all or part of the customer's electricity requirements provided such system does not exceed 2 megawatts." In setting the goals, the commission must evaluate the full technical potential of all available demand-side and supply-side conservation and efficiency measures, including demand-side renewable energy systems.

The commission will review these goals this interim, under its pre-existing review schedule, and will implement the new requirements.

**OBJECTIVE:**

To monitor implementation of these new goal requirements and the new standard for approving efficiency programs, including identifying any increase in the number of programs, any expansion in the types of programs for which cost recovery is approved, and any increase in the level of costs recovered from ratepayers.

**METHODOLOGY:**

Staff will monitor commission meetings or workshops and discuss issues with interested parties.

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# COMMUNITY AFFAIRS

## Interim Projects

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**INTERIM PROJECT TITLE:**

*Internet Notice*

**DATE DUE:** October 1, 2009

**PROJECT NUMBER:** 2010-106

**ISSUE DESCRIPTION and BACKGROUND:**

The Legislature passed CS/SB 2188, 2<sup>nd</sup> Eng. requiring state agencies to provide internet notice for purposes of Chapter 120, F.S. SB 2292 proposed to allow governmental entities to publish notice on the internet in a wide variety of situations. These bills are part of a national trend toward internet media and away from publication in local newspapers. Internet publication for government notices means less cost for government entities. It also means that a different demographic of the American public will have ready access to these government publications. Therefore, the government's transition to public notice on the internet may have a range of unintended consequences that are important to carefully evaluate to maintain the integrity of the political process by ensuring that citizens are aware of government issues that may affect them.

**OBJECTIVE:**

The goal of this project will be to survey the repercussions of changing government notices from print to internet form.

**METHODOLOGY:**

Professional staff will review and compile data from existing studies related to the financial and demographic consequences of transitioning from print to internet publication. Senate professional staff will also review approaches federal, state, and local governments have made to transition toward internet notice and catalogue proposed and implemented guidelines for the transition. Professional staff will survey local governments regarding the cost associated with publication of notice and the savings they would anticipate by changing to internet notice.

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**INTERIM PROJECT TITLE:**

*Population Need as a Criteria for Changes to a Local Government's Future Land Use Map*

**DATE DUE:** October 1, 2009

**PROJECT NUMBER:** 2010-107

**ISSUE DESCRIPTION and BACKGROUND:**

In the 2009 legislative session, a number of amendments were proposed that dealt with the issue of what the role of population projections should be in the determination of whether proposed changes to a local government's future land use map comply with 163.3177, F.S. A local government's comprehensive plan is based in part on the future population of the local government. Creating new development in places where population growth is projected helps to ensure that development does not occur where it is not appropriate and helps to curb sprawl.

A local government's comprehensive plan is not required to accommodate all of the projected population. However, if a comprehensive plan is amended to allow for additional growth, s. 163.3177, F.S., requires data and analysis demonstrating the need for additional land for residential use to accommodate a local government's projected population growth within the planning time frame. See also, FAC 9J-5.002. A local government must identify the source or the methodology used to derive population projections. See FAC 9J-5.005(e). The Department of Community Affairs has interpreted s. 163.3177, F.S., to mean that local governments may not adopt certain plan amendments because the need for the amendments is not reflected in the population projections or based on population projections that are not professionally acceptable. The issue of "need" for new development has been raised in the context of future land use map amendments, optional sector plans, and the rural land stewardship program.

**OBJECTIVE:**

The purpose of this project is to ascertain how the needs analysis has been implemented for future land use map amendments, optional sector plans, and the rural land stewardship program in order to determine whether the needs assessment is appropriately applied.

**METHODOLOGY:**

Professional staff will interview Department of Community Affairs' staff and local government staff. In addition, professional staff will survey case law and administrative law to outline how the needs assessment has been applied, review which projects are successful and which are not, and analyze how the provisions laid out in s. 163.3177, F.S., are applied in practice.

## Mandatory Reviews

*(None)*

## Issue Briefs

**INTERIM ISSUE BRIEF TITLE:**

*Agency Sunset Review of the Department of Community Affairs*

**DATE DUE:** December 1, 2009

**PROJECT NUMBER:** 2010-309

**ISSUE DESCRIPTION and BACKGROUND:**

Sections 11.901- 11.920, F.S., are known as the Florida Government Accountability Act (act). Under this act, most state agencies are subject to a "sunset" review process to determine whether the agency should be retained, modified, or abolished. Reviews are accomplished in three steps. First, an agency under review must produce specific information as enumerated in statute. Second, upon receipt of the agency information, the Joint Legislative Sunset Review Committee and the legislative committees assigned to act as sunset review committees must review the information submitted and may request studies by the Office of Program Policy Analysis and Government Accountability (OPPAGA). Third, based on the agency submissions, the OPPAGA studies, and public input, the joint committee and the legislative sunset review committees will make recommendations to the Legislature by March 1,

2010, regarding the termination, modification, or continuation of the agency and its programs. The legislative sunset review committees will also propose necessary legislation.

During the 2010 Regular Session, the Legislature will consider the recommendations and the proposed legislation. An agency may be abolished if the Legislature, pursuant to law, finds that all state laws the agency had responsibility to implement or enforce have been repealed, revised, or reassigned to another remaining agency and that adequate provision has been made to transfer certain duties and obligations to a successor agency.

The review process for the Departments of Children and Families, Community Affairs, Management Services, and State began in July, 2008, when the Departments submitted their respective statutorily mandated agency reports. The Senate Committee on Community Affairs is the primary sunset review committee for review of the Department of Community Affairs.

**OBJECTIVE:**

The objective is to review the research of the Office of Program Policy Analysis and Government Accountability, as requested by the Joint Legislative Sunset Review Committee, relating to the Department of Community Affairs, to determine its effectiveness and efficiency, and the necessity of continuing the duties and responsibilities assigned to the Department. Based on the recommendations of the Committee on Community Affairs, proposed legislation will be drafted to continue, modify or abolish the agency under review.

**METHODOLOGY:**

Senate professional staff will review the agency information submissions, all relevant OPPAGA reports and studies, all relevant Auditor General and agency inspector general reports, public testimony and submissions, and any other information deemed relevant by the committee.

**INTERIM ISSUE BRIEF TITLE:**

*Impact Fees*

**DATE DUE:** September 15, 2009

**PROJECT NUMBER:** 2010-310

**ISSUE DESCRIPTION and BACKGROUND:**

Impact fees are enacted by local home rule ordinance and require new development to pay for the cost of additional infrastructure attributable to the new development. Impact calculations vary from jurisdiction to jurisdiction and from fee to fee. Impact fees also vary extensively depending on local costs, capacity needs, resources and the local government's determination to charge the full cost of the fee's earmarked purposes.

House bill 227 passed the Legislature during the 2009 session. The bill addresses the burden of proof for impact fees. Case law has set a standard of review for impact fees called the dual rational nexus test which is considered deferential to local governments. As a result, the bill's change in the burden of proof could result in more litigation on impact fees.

**OBJECTIVE:**

Professional staff will assess the impact of the change in the burden of proof for impact fees.

**METHODOLOGY:**

Professional staff will monitor litigation involving impact fees.

**INTERIM ISSUE BRIEF TITLE:**

*Imported Drywall*

**DATE DUE:** September 15, 2009

**PROJECT NUMBER:** 2010-311

**ISSUE DESCRIPTION and BACKGROUND:**

Tens of thousands of Florida residents have been affected by tainted, imported drywall. This defective drywall renders the house unlivable and the health effects have not yet been determined. The financial ramifications for these homeowners can be devastating. The U.S. House of Representatives has convened a task force to examine the situation. The U.S. Department of Housing and Urban Development, along with the Treasury Department, will study the problem of imported drywall relating to home foreclosures. The Florida Department of Health is currently conducting a study to determine the effects of the direct and indirect effects of tainted drywall on human health.

**OBJECTIVE:**

The goal is to review the information available regarding mitigation of the damage due to the tainted drywall.

**METHODOLOGY:**

The Senate professional staff will survey news articles, litigation, and ongoing studies regarding drywall damage.

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*Intergovernmental Disputes*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-418

**ISSUE DESCRIPTION and BACKGROUND:**

CS/CS/SB 360, 2<sup>nd</sup> Eng. (“The Community Renewal Act”) passed the Legislature during the 2009 session. The bill automatically eliminates development-of-regional-impact review for certain dense urban areas. For less dense areas, the bill allows the local government to designate areas that will be exempt from development of regional impact review for purposes such as urban infill and redevelopment. Part of the original purpose of development-of-regional-impact review was to avoid interjurisdictional disputes between local governments for large developments that affect multiple jurisdictions by involving the regional planning councils in the process. Senate bill 360 does require local governments to incorporate a dispute resolution process into their comprehensive plan and requires that process to involve mandatory mediation for local governments that cannot voluntarily agree. As a

result, particularly with large developments, the manner that local governments resolve interjurisdictional issues will likely change.

**OBJECTIVE:**

The goal of this monitoring project is to keep abreast of any interjurisdictional issues that arise as a result of the elimination of development-of-regional-impact review in a number of jurisdictions.

**METHODOLOGY:**

The professional staff will monitor interjurisdictional disputes and any resulting litigation.

**INTERIM MONITOR PROJECT TITLE:**

*Mobility Fee Study*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-419

**ISSUE DESCRIPTION and BACKGROUND:**

CS/CS/SB 360, 2<sup>nd</sup> Eng. (“The Community Renewal Act”) passed the Legislature during the 2009 session. The bill requires the Department of Community Affairs and the Department of Transportation to conduct mobility studies already underway and to report their findings to the Legislature by December 1, 2009. The mobility fee would be designed to replace transportation concurrency throughout the state.

**OBJECTIVE:**

The goal of this monitor project is to monitor the development of the mobility fee and the development of proposed legislation on the mobility fee.

**METHODOLOGY:**

The professional staff will attend workshops and conferences given by the Department of Community Affairs and the Department of Transportation as they develop their mobility fee studies.

**INTERIM MONITOR PROJECT TITLE:**

*Transportation Concurrency Exception Areas*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-420

**ISSUE DESCRIPTION and BACKGROUND:**

CS/CS/SB 360, 2<sup>nd</sup> Eng. (“The Community Renewal Act”) passed the Legislature during the 2009 session. The bill automatically eliminates state transportation concurrency requirements for certain dense urban areas. For less dense areas, the bill allows the local government to create transportation concurrency exception areas for purposes such as urban infill and redevelopment. In addition, the bill requires these local governments to develop plans to support and fund transportation within their transportation concurrency exception areas within 2 years.



**OBJECTIVE:**

Senate professional staff will track transportation issues in those jurisdictions that have transportation concurrency exception areas as a result of the bill's provisions.

**METHODOLOGY:**

Senate professional staff will monitor the development of ordinances to implement solutions to mobility challenges in transportation concurrency exception areas and stay abreast of local issues through news articles and contact with local government staff.

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# CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS

## Interim Projects

(None)

## Mandatory Reviews

(None)

## Issue Briefs

(None)

## Monitor Projects

<b>INTERIM MONITOR PROJECT TITLE:</b>
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<i>Department of Corrections' Food Service Operations</i>
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**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-421

**ISSUE DESCRIPTION and BACKGROUND:**

Food Services Operations in the Department of Corrections was outsourced originally in 2001. The primary contractor was Aramark Food Services, with Trinity Service Group handling about five institutions. The original contract period was for five years, and was extended for one year through 2007.

The 2007 General Appropriations Act required the Department of Corrections (DOC) to rebid food service operations. DOC issued a Request for Proposal which required additional vendor staffing (85 FTE) and an enhanced menu. New contracts were entered into with both Aramark and Trinity (Aramark with Regions I, II and IV and Trinity with Region III and three institutions in Region IV). The new contracts went into effect in October 2007.

During the 2008 Legislative Session, the department's food service budget was reduced by \$9.25 million. Proviso language required that the reduction be achieved through negotiated contract amendments with the vendors, effective July 1, 2008. The proviso further directed the department to reduce the per diem paid on food contracts, revise the master menu, and make other considerations as necessary.

Although DOC did make some revisions to the menu, they did not make all changes requested by the vendors. In August 2008, the department received a notice of termination "at will" from Trinity. The department rebid for Food Services – Full Service Operations and also for Statewide Food Delivery

Prime Vendor. In September, Aramark sent the department a notice of termination “at will” of its food service contract.

The department determined it could provide services at a lower cost through utilization of a statewide food delivery service and hiring staff, rather than utilizing full service operation contracts with vendors. This arrangement would also allow the department flexibility to change menus as needed and realize the entire cost savings on the menu changes.

The 2009 General Appropriations Act provided for the transfer of \$84.9 million in funds from contracted services to allow the department to pay food product expenses and salaries and benefits for 320 full-time-equivalent staff. Proviso language was also included to require the department to provide a report on food service operations to the Legislature by February 1, 2010.

**OBJECTIVE:**

Monitoring the Department of Corrections’ Food Service Operations will allow the Legislature to determine whether food costs can be controlled better through insourcing the operation.

**METHODOLOGY:**

Senate Professional Staff will monitor this issue by tracking financial reports related to food service expenditures, making visits to correctional facilities, and holding discussions with inmates and with the department on differences in food services, food quality, menu changes and participation rates.

**INTERIM MONITOR PROJECT TITLE:**

*Department of Corrections’ Prison Population and Construction Projects*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-422

**ISSUE DESCRIPTION and BACKGROUND:**

The Legislature appropriates prison construction and operational funding based on Criminal Justice Estimating Conference (CJEC) prison population projections.

Typically the CJEC meets three times per year. In July, the conference meets to assist the Legislative Budget Commission in developing its Long Range Financial Outlook. In October, the conference meets to provide projections to the Governor and Legislature to begin budget planning for the upcoming fiscal year. In particular, the Governor’s Recommended Budget is based on the October projections. In February, prior to convening Legislative Session, the conference meets to provide updated prison population estimates. The Senate and House of Representatives develop their appropriations for correctional facility construction and operations based on the February estimate.

In developing fixed capital outlay funding needs, the Legislature carefully considers the number and type of beds needed over the next three-year period according to the Department of Corrections’ Legislative Budget Request and revised CJEC projections. Planning a new prison, purchasing land, permitting, site work and actual construction can take up to three years. Constructing additional dormitories and/or secure housing units at existing prison sites takes considerably less time, but can still account for 12 to 18 months.

The number of new inmates dictates operational funding needs for food, drugs, clothing and other variable expenses, as well as for increased security staffing. As new correctional facilities come on-line, fixed costs for wardens and other supervisory positions, medical, educational and support staff are funded.

#### FY 2009-10 Funding Decisions

With Florida's fiscal constraints, the Legislature requested a special CJEC, held on April 30, 2009, to re-estimate prison population to assist in finalizing FY 2009-10 funding needs for the Department of Corrections. The revised estimate resulted in a lower prison population than projected in February.

#### Fixed Capital Outlay

Based on CJEC estimates for prison population for the next three years, no new fixed capital outlay (FCO) projects were appropriated in the FY 2009-10 General Appropriations Act. Furthermore, in order to free up funding for other state funding needs, the FY 2009-10 General Appropriations Act reverted \$172 million in previous year Department of Corrections FCO appropriations. The State Board of Administration, Division of Bond Finance was authorized to bond the related correctional facilities.

A provision in CS/SB 1722 authorizes the Department of Corrections to contract with counties, municipalities, or other states for correctional facility beds. This measure will ensure the Legislature's intent for inmates to serve 85 percent of their sentence in prison will not be compromised should the prison population increase rapidly and appropriate beds are not available.

#### Operations

The lower prison population estimate resulted in a Legislative appropriation of approximately \$5.5 million less in operational funding to the Department of Corrections than both Senate and House had previously appropriated in their proposed budgets. Additionally, the Legislature delayed opening dates of some of the facilities scheduled to come on-line during FY 2009-10. Delays in planned facility opening can also complicate Florida's statutory prison capacity requirements if the prison population increases significantly beyond estimates. Careful monitoring of the revised estimate with actual prison population is needed to ensure appropriate funding levels for operations are available.

#### **OBJECTIVE:**

Monitoring actual inmate population with projections, as well as monitoring current construction projects is imperative to ensure the Legislature's intent for inmates to serve 85 percent of their sentence in prison is not compromised due to prison capacity issues.

#### **METHODOLOGY:**

Senate Professional Staff will monitor actual daily inmate population compared to CJEC projections and track the progression of construction projects underway.

**INTERIM MONITOR PROJECT TITLE:**

*Implementation of Judicial Branch Reforms*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-423

**ISSUE DESCRIPTION and BACKGROUND:**

The legislature passed CS for CS for SB 2108 to make improvements in the work of the state court system and the clerks of court. The bill requires that funding for the clerks of court be appropriated in the General Appropriations Act. The bill requires the Clerks of Court Operations Corporation to propose services and associated unit costs for each clerk office in consultation with the Supreme Court, the Department of Financial Services, and the appropriation committees of the Senate and House of Representatives, to be used in clerk budget requests. The budget request, along with the specified services and unit costs for each clerk of court, is due to the legislature by December 1<sup>st</sup> each year.

The bill requires the legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA), in consultation with the Department of Financial Services and the Office of the Auditor General, to conduct a review of how the clerks and courts could improve the efficiency of shared judicial workload. A report on the results of the review is due to the legislature by January 15, 2010.

The bill requires the legislature's Technology Review Workgroup to develop a plan to identify options and issues relating to integration of state court system information technology. The plan is due to the legislature by February 1, 2010.

**OBJECTIVE:**

To monitor the development of the proposed clerk services and associated unit costs by the Clerks of Court Operations Corporation and report any issues the legislature may need to address. To monitor the review by OPPAGA and report any issues the legislature may need to address. To monitor the development of the plan by the Technology Review Workgroup and report any issues the legislature may need to address.

**METHODOLOGY:**

Senate Professional Staff will conduct meetings with Clerks of Court Operations Corporation staff and review relevant documents developed for the proposed services and associated unit costs to be used in clerk budget requests. Senate Professional Staff will conduct meetings with OPPAGA staff to follow the review of shared judicial workload. Senate Professional Staff will conduct meetings with Technology Review Workgroup staff and review relevant documents developed to follow the development of the plan for integrating court system information technology.

**INTERIM MONITOR PROJECT TITLE:**

***Implementation of Judicial Electronic Filing***

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-424

**ISSUE DESCRIPTION and BACKGROUND:**

The legislature passed CS for SB 1718 that requires the clerks of court to implement electronic filing processes by March 1, 2010, to reduce judicial costs in the office of the clerk and the judiciary, improve the timeliness of case processing, and provide the judiciary with case-related information. The Supreme Court is requested to set statewide standards for electronic filing by July 1, 2009, and the clerks are to begin implementation by October 1, 2009. The Clerks of Court Operations Corporation must report to the legislature by March 1, 2010, the progress of electronic filing. Revenues authorized for court system information technology in s. 28.24, F.S., may be used to implement electronic filing.

The bill also specifies the legislature's intent for the 1st District Court of Appeals to implement electronic filing for workers compensation appeals. The bill requires the 1st District Court of Appeals to report to the legislature nine months after implementation.

**OBJECTIVE:**

To monitor the implementation of electronic filing processes by clerks of court and report any issues the legislature may need to address. To monitor the implementation of electronic filing for workers compensation appeals and report any issues the legislature may need to address.

**METHODOLOGY:**

Senate Professional Staff will conduct meetings with clerks of court and the state court system to follow the implementation of electronic filing processes. Senate Professional Staff will review relevant documents developed for implementation of electronic filing.

**INTERIM MONITOR PROJECT TITLE:**

***Reduction of Residential Beds in the Department of Juvenile Justice***

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-425

**ISSUE DESCRIPTION and BACKGROUND:**

The 2009 Legislature reduced the number of residential treatment beds in the Department of Juvenile Justice (DJJ). The department currently has a significant waiting list of juveniles who need to be placed in all types of residential beds. Staff will monitor the impact of these reductions on the department's detention centers to determine if juveniles are staying longer in these facilities, which is more costly for the department.

**OBJECTIVE:**

Monitoring the bed reductions in DJJ will allow the Legislature to determine if funding adjustments should be considered during the 2010 Legislature Session.

**METHODOLOGY:**

Senate Professional Staff will monitor the progress of the implementation of the bed reductions to make sure DJJ has sufficient beds to meet the requirements for placing youth in residential commitment programs.

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# CRIMINAL JUSTICE

## Interim Projects

**INTERIM PROJECT TITLE:**

*A Descriptive and Historical Review of Misdemeanor Offenses Elevated to Felonies and a Review of Misdemeanants Housed in County Detention Facilities*

**DATE DUE:** October 1, 2009

**PROJECT NUMBER:** 2010-108

**ISSUE DESCRIPTION and BACKGROUND:**

A recent report by the Pew Center on the States indicated that more than 1 in 100 adults in America are confined in jail or prison. In the report, Florida was cited as a case study in rapid prison growth. Between June 1993 and June 2008, Florida's prison population increased by 93 percent from 50,600 to 98,000. During that same period, the average daily population of Florida's county jails also increased more than 90 percent from 34,530 to 66,450.

The impact of felony criminal offenses on the state's prison population is regularly forecast and reevaluated, but there is no systematic consideration of the impact of misdemeanor offenses on the county jail population. There has also been no study of the extent to which elevation of misdemeanor offenses to felony level may have contributed to growth in the prison population.

**OBJECTIVE:**

This project will identify the particular misdemeanor offenses that result in significant numbers of jail incarcerations. It will consider the historical background of those offenses and whether there are alternate dispositions that could result in fewer jail incarcerations without negatively impacting public safety. The project will also investigate the impact of offenses that have been raised from misdemeanors to felonies on the prison population, and determine whether there are appropriate and feasible alternative dispositions.

**METHODOLOGY:**

Staff will review available data and consult with appropriate agencies, including the Department of Corrections, the Department of Law Enforcement, the Office of the State Courts Administrator, and the Office of Economic and Demographic Research, to determine the number of inmates who are jailed for misdemeanor offenses or imprisoned for felonies that were previously misdemeanors. If significant numbers of persons are jailed or imprisoned for a particular offense or category of offenses, staff will consult with interested and knowledgeable parties to determine whether there are acceptable alternative approaches that could reduce the inmate population. Staff will also review statutory history and other literature concerning those offenses that have the most impact on the prison and jail population.



**INTERIM PROJECT TITLE:**

***A Policy Analysis of Minimum Mandatory Sentencing for Drug Traffickers***

**DATE DUE:** October 1, 2009

**PROJECT NUMBER:** 2010-109

**ISSUE DESCRIPTION and BACKGROUND:**

Section 893.135, F.S., punishes trafficking in specified controlled substances. Drug trafficking has historically been a matter of great concern to the Legislature because of the prevalence of drug trafficking activity in Florida and Florida's geographical proximity to countries in which major drug trafficking organizations operate. Reflecting this concern, the Legislature has punished drug trafficking with significant maximum penalties as well as mandatory minimum terms of imprisonment. Mandatory minimum sentencing limits judicial discretion and a frequently noted concern of critics who argue that each case is different. In contrast to mandatory minimum sentencing, Florida's general sentencing law places limits on judicial discretion but allows for mitigation of sentence when authorized and warranted.

Legislation (SB 1822) was introduced in 2009 to modify the mandatory minimum term for lower-level cocaine trafficking. Similar or expanded legislation may be introduced in 2010.

**OBJECTIVE:**

This interim project will review the history of s. 893.135, F.S., with an emphasis on the statute's mandatory minimum sentences; discuss the prison bed impact of mandatory minimum sentencing under s. 893.135, F.S., and the debate that has ensued regarding such sentencing; and present some options relevant to sentencing under s. 893.135, F.S., including, but not limited to, retaining, abolishing, modifying, or providing exceptions to drug trafficking mandatory minimum sentences.

**METHODOLOGY:**

Professional staff will review legislation, case law, and analyses relevant to s. 893.135, F.S. Professional staff will also solicit the opinions of the Florida Prosecuting Attorneys Association and the Florida Public Defenders Association on retaining, abolishing, modifying, or providing exceptions to existing mandatory minimum terms of imprisonment provided in s. 893.135, F.S. Professional staff will also request analyses of the prison bed impact of these mandatory minimum terms from the Legislature's Office of Economic and Demographic Research.

**INTERIM PROJECT TITLE:**

***A Policy Analysis of Shackling Youth in Florida's Juvenile Courts***

**DATE DUE:** October 1, 2009

**PROJECT NUMBER:** 2010-110

**ISSUE DESCRIPTION and BACKGROUND:**

During the last several legislative sessions, there have been numerous bills filed to address the issue of shackling youth in juvenile courts throughout Florida. The practice of "shackling" refers to restricting the movement of youth by handcuffs, leg restraints, and/or belly chains. Child advocates express dismay at the practice while proponents of the practice point to the importance of public safety.

In July 2007, Governor Crist authorized the creation of the Blueprint Commission (commission) for the purpose of developing recommendations to reform Florida’s juvenile justice system. The commission met throughout the second half of 2007 and in February 2008 issued its report entitled “Getting Smart About Juvenile Justice in Florida.” The commission heard a significant amount of contentious testimony regarding the practice of shackling juveniles. The issue became one of several “unresolved issues” for the commission. In the meantime, it encouraged the Department of Juvenile Justice (DJJ), along with prosecutors, public defenders, and judges, to review their practices and procedures for shackling youth.

**OBJECTIVE:**

This interim project will contain a policy analysis of shackling youth in juvenile courts, including reviewing the practice in Florida and other jurisdictions, discussing the ensuing debate regarding this practice, and providing options for addressing this issue.

**METHODOLOGY:**

Senate professional staff will conduct a review of the relevant laws, rules, and current practices involving the shackling of youth in juvenile courts throughout Florida. As part of this review, professional staff will confer with the DJJ and other interested parties such as prosecutors, public defenders, and judges.

## **Mandatory Reviews**

*(None)*

## **Issue Briefs**

**INTERIM ISSUE BRIEF TITLE:**

*Simple Purchase or Possession of Cocaine and Cannabis: Other States’ Sentencing Alternatives to Incarceration*

**DATE DUE:** September 15, 2009

**PROJECT NUMBER:** 2010-312

**ISSUE DESCRIPTION and BACKGROUND:**

Many individuals who purchase or are in possession of small quantities of cocaine or cannabis for personal use continue to offend despite the potential consequences for their-criminal conduct. Repeated purchase or possession offenses may then lead to a prison sentence or time in the local jail.

During the 2009 Legislative Session, legislation was filed, debated, and advanced which would have adjusted penalties for certain low-level felony drug offenders. It is expected similar legislation will be introduced during the 2010 Legislative Session.

Although the Department of Corrections 2009-10 budget contained no allocations for building new prisons, in the near future we may need new prison beds for offenders who are more a danger to society than low-level drug offenders typically tend to be. Challenging economic conditions may therefore

require members to consider viable and reasonable alternatives to incarceration for certain low-level drug offenders.

**OBJECTIVE:**

The primary objective of the issue brief is to provide members with information regarding alternatives to incarceration adopted by other states for this particular type of offender. Therefore, professional staff will examine sentencing policies for similar offenders in other states and, where possible, determine the fiscal impact of alternatives to incarceration for these offenders in those states that have implemented non-incarcerative sentences.

**METHODOLOGY:**

A survey of sentencing laws in other states, particularly those that have identified low-level felony drug offenders for alternatives to incarceration, will be conducted.

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*Developments in the Federal Adam Walsh Act*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-426

**ISSUE DESCRIPTION and BACKGROUND:**

The federal Sex Offender Registration and Notification Act (SORNA), which is Title I of the Adam Walsh Protection and Safety Act of 2006 (P.L. 109-248), was enacted on July 27, 2006. SORNA expands the requirements for state law enforcement and prison officials in registering and tracking sexual offenders. In 2007, the Florida Legislature enacted legislation to revise Florida's laws to comply with SORNA (ch. 2007-209, L.O.F.). This legislation did not implement every SORNA requirement.

SORNA authorizes a 10-percent reduction in Byrne Justice Assistance Grant funding for any state that is not in substantial compliance with SORNA requirements by July 27, 2009. Florida has been granted a one-year extension by the federal government, which will expire on July 26, 2010. Florida is also entitled to request one final extension for the time period of July 27, 2010 through July 26, 2011.

Recent media reports have indicated that Congress may consider revising some provisions of SORNA. No state has been determined by the federal government to be in substantial compliance with SORNA requirements.

**OBJECTIVE:**

This interim project monitor will monitor other states' attempts to substantially comply with SORNA and any actions by Congress to amend SORNA.

**METHODOLOGY:**

Professional staff will review available documents and materials relevant to implementation of SORNA requirements.

**INTERIM MONITOR PROJECT TITLE:**

***Implementation of Legislation Relating to Postadjudicatory Drug Court***

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-427

**ISSUE DESCRIPTION and BACKGROUND:**

During the 2009 Legislative Session the drug court program was expanded to include certain nonviolent felony offenders in postadjudicatory as well as pretrial drug court programs. This legislation will become effective July 1, 2009 if signed by the Governor. It is expected that federal stimulus money will be available to enhance existing drug court programs in some circuits or perhaps create programs in others. Although the bill creates the framework relating to defendant/offender program admission criteria, the programmatic, personnel, and technological details have largely been left to the stakeholders to determine and implement. This expansion of postadjudicatory drug court will present judges with an additional sentencing option in qualified cases. If the courts utilize this option as predicted, prison admissions and the recidivism rate should decrease.

**OBJECTIVE:**

The objective of this monitor is to maintain communication with representatives from the various components of the postadjudicatory drug court program for the purpose of reporting the progress of the implementation of Chapter Law 2009-64 to interested Senators.

**METHODOLOGY:**

Professional staff will gather information and feedback on the implementation of the postadjudicatory drug court law from the judiciary, both the state attorneys and public defenders, treatment providers, the Department of Corrections, and local jails.

**INTERIM MONITOR PROJECT TITLE:**

***Juvenile Justice Blueprint Commission Recommendations***

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-428

**ISSUE DESCRIPTION and BACKGROUND:**

In July 2007, Governor Crist authorized the creation of the Blueprint Commission (commission) for the purpose of developing recommendations to reform Florida's juvenile justice system. The commission met throughout the second half of 2007 and in February 2008 issued its report entitled "Getting Smart About Juvenile Justice in Florida."

The recommendations are a combination of legislative changes as well as policy and/or rule changes. During the 2008 regular session, CS/CS/CS/SB 700 contained many of the commission's 52 recommendations, in addition to several other policy changes. Unfortunately, the legislation died in the House. Legislation was again filed during the 2009 regular session and it died in the Senate (CS/SB 2218 and CS/SB 2128). However, one of its recommendations passed involving revising the zero tolerance policy in schools (Chapter Law 2009-53).

**OBJECTIVE:**

The objective of this interim monitor project is to keep informed of the implementation of the commission's recommendations, including policy and/or rule changes and revising the zero tolerance policy in schools.

**METHODOLOGY:**

Senate professional staff will maintain contact with the Department Juvenile Justice and other interested parties to stay abreast of all policy revisions and/or rule changes.

**INTERIM MONITOR PROJECT TITLE:**

*Sentencing Diversion to Nonstate Prison Sanction*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-429

**ISSUE DESCRIPTION and BACKGROUND:**

Chapter 2009-63, Laws of Florida, makes necessary statutory changes to implement \$7.3 million in recurring general revenue reductions for appropriations to the Department of Corrections in FY 2009-10. It also makes statutory changes as cost avoidance measures.

Section 1 of ch. 2009-63 contains one of these cost avoidance measures. Specifically, s. 775.082, F.S., is amended to require a court to sentence an offender to a nonstate prison sanction if the offense is a third degree felony (excluding most forcible felonies) committed on or after July 1, 2009 and the offender's total sentence points are 22 points or fewer. However, the court may sentence the offender to a state correctional facility if it makes written findings that a nonstate prison sanction could present a danger to the public. Prior to this legislation, such an offender could have received a prison sentence not exceeding 5 years without a determination that he or she presented a danger to the public.

The Legislature's Office of Economic and Demographic Research estimates that this prison diversion approach will eliminate the need for 781 new prison beds for FY 2009-2010. This fiscal impact assumes that approximately 50% of the judges will opt to not allow this diversion from prison and declare such a diversion to be a danger to the public.

**OBJECTIVE:**

This interim monitor project will monitor implementation of Section 1 of ch. 2009-63, Laws of Florida, and any issues that may arise as a result of this section. Professional staff will inform the Chairperson of the Committee on Criminal Justice if any issues arise that may require legislation.

**METHODOLOGY:**

Professional staff will review available documents and materials relevant to Section 1 of ch. 2009-63, Laws of Florida, and its implementation.

**INTERIM MONITOR PROJECT TITLE:**

*Sentencing Review by OPPAGA*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-430

**ISSUE DESCRIPTION and BACKGROUND:**

The Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA) is conducting a review of Florida's current sentencing structure, sentencing practices, community supervision, and the use of alternatives to incarceration.

**OBJECTIVE:**

This interim monitor project will monitor OPPAGA's sentencing review, including the report when it issues and any report recommendations. Professional staff will inform the Chairperson of the Committee on Criminal Justice if changes to Florida laws are recommended by OPPAGA.

**METHODOLOGY:**

Professional staff will provide assistance to OPPAGA as an informational resource and review OPPAGA's report when it issues and any report recommendations.

**INTERIM MONITOR PROJECT TITLE:**

*United States Supreme Court Case Considering Constitutionality of Life Sentences for Juveniles*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-431

**ISSUE DESCRIPTION and BACKGROUND:**

In 2004, the United States Supreme Court struck down the death penalty for juveniles. It has now agreed to consider the issue of whether it is unconstitutional to sentence juveniles to life sentences without the possibility of parole. The two cases that will be considered are on appeal from Florida convictions. Bills to make juveniles with life sentences eligible for parole consideration have been proposed during the last few legislative sessions.

**OBJECTIVE:**

This project will closely follow the progress of these cases, which could result in a requirement for Florida to amend its statutes to make juveniles with life sentences eligible for parole consideration.

**METHODOLOGY:**

Staff will monitor developments in the cases, including review of media reports as well as briefs and pleadings on the US Supreme Court website.



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# EDUCATION PRE-K – 12

## Interim Projects

**INTERIM PROJECT TITLE:**

*Review the Department of Education Policies and School District Practices for Reading Intervention in Middle and High Schools where a Majority of Students are Reading Below Grade Level*

**DATE DUE:** October 1, 2009

**PROJECT NUMBER:** 2010-111

**ISSUE DESCRIPTION and BACKGROUND:**

Florida has continued to revise promotional policies and curriculum practices for students who are struggling readers. Research studies indicate that students without requisite literacy skills are unable to meet the demands of all academic content areas and that timely and effective reading intervention can result in long term educational success.

Florida school districts continue to implement research-based reading programs with much success; however, most successful interventions have been implemented primarily at the elementary grades. The assessment of reading skills at grades 6-12 indicates an unmet need for intervention.

**OBJECTIVE:**

The purpose of the project is to determine if existing reading intervention practices should be revised to address the reading deficiencies of a high percentage of students, primarily at the secondary level.

**METHODOLOGY:**

Senate professional staff activities will include the following:

- Identify schools that historically continue to have a high percentage of students reading below grade level;
- Review the Department of Education policies and school district practices in these schools to improve reading performance, including teacher training and reading certification endorsement, instructional programs, duration and intensity of reading intervention, and district use of resources;
- Identify best practices in schools that have significantly increased student reading achievement;
- Review and analyze the factors that help students become successful readers; and
- Consult with the Florida Department of Education and other interested stakeholders in identifying effective intervention strategies, replicating those strategies in the identified schools, identifying barriers, and recommending solutions to improving reading performance.



**INTERIM PROJECT TITLE:**

***Review the Effect of State High School Graduation Requirements on Student Preparation for Postsecondary Education and the Workforce***

**DATE DUE:** October 1, 2009

**PROJECT NUMBER:** 2010-112

**ISSUE DESCRIPTION and BACKGROUND:**

Florida has revised its standards for high school graduation over the years in an effort to more effectively prepare students for college level academic work and skilled employment. Recent research indicates that students in the U.S. may be at a competitive disadvantage compared with their foreign counterparts, primarily in math and science.

In 2009, legislation was introduced to increase the level of required math and science courses for high school graduation to include biology, geometry, Algebra II, and chemistry or physics. The proposal did not pass.

Numerous state and national initiatives are working to address students' lack of preparation to enter postsecondary education and the workforce. The Florida Center for Research at Florida State University currently oversees the Florida Science, Technology, Engineering, Math, and Medicine (STEMM) Project in partnership with the Florida Chamber of Commerce, the Agency for Workforce Innovation, the Department of Education, Enterprise Florida, the National Governor's Association, and other entities. The goal of the partnership is to provide statewide direction and cohesion for all educational and workforce efforts toward increasing math and science skills of Florida's students and workforce.

**OBJECTIVE:**

The purpose of the project is to determine if existing high school graduation requirements should be revised to require more rigorous coursework and the effect that the revision would have on student preparation to enter postsecondary education and the workforce.

**METHODOLOGY:**

Senate professional staff activities will include the following:

- Review and analyze current high school graduation requirements, standards, curricula, and outcomes within the context of postsecondary and workforce readiness;
- Determine the effect of any revisions to the high school graduation requirements on students and instructional personnel; and
- Consult with the Florida Center for Research STEMM Project staff and other stakeholders to:
  - Identify curricular and instructional barriers to improving math and science skills of all K-12 students and recommend solutions to overcome those barriers;
  - Review and analyze practices employed in school districts that have been successful in increasing the academic rigor in math and science, while concurrently increasing student preparation for postsecondary education and the workforce;
  - Review and analyze the availability of current math and science instructional personnel and their academic skill level.

## Mandatory Reviews

**INTERIM MANDATORY REVIEW TITLE:**

*Open Government Sunset Review of Section 1002.72, F.S., Voluntary Prekindergarten Education Program*

**DATE DUE:** September 1, 2009

**PROJECT NUMBER:** 2010-213

**ISSUE DESCRIPTION and BACKGROUND:**

The Legislature enacted a public records disclosure exemption for the individual records of a child enrolled in the Voluntary Prekindergarten Education Program held by an early learning coalition, the Agency for Workforce Innovation, or a Voluntary Prekindergarten Education Program provider. In accordance with the Open Government Sunset Review Act, the exemption sunsets on October 2, 2010, unless reenacted by the Legislature.

**OBJECTIVE:**

The purpose of the project is to review, using the standards provided in the Open Government Sunset Review Act, the public records exemption to assist the Legislature in determining whether the exemption should be reenacted, revised, or eliminated.

**METHODOLOGY:**

Senate professional staff will review the exemption under the Open Government Sunset Review Act, examine the use of the public records exemption, and evaluate the records protected from public disclosure.

## Issue Briefs

**INTERIM ISSUE BRIEF TITLE:**

*Teacher Quality*

**DATE DUE:** September 15, 2009

**PROJECT NUMBER:** 2010-313

**ISSUE DESCRIPTION and BACKGROUND:**

A consensus of research finds that the single greatest indicator of student achievement is the quality of the teacher in the classroom. In order to compete in a global economy, Florida must staff its schools with highly effective educators and revisit current policies and systems that determine how classroom teachers are recruited, educated, and provided with quality induction, continuing professional development, and principal leadership training, all tied directly to increased student achievement.

There are a number of national and state initiatives to examine teacher quality. The recommendations and proposals related to these initiatives must be considered in light of Florida's economy and population.

**OBJECTIVE:**

The objective of the project is to review contemporary research relating to factors that contribute to quality teaching.

**METHODOLOGY:**

The Senate professional staff activities will include the following:

- Review major research documents, including publications by the National Commission on Teaching and America’s Future (NCTAF), the National Council for Quality Teaching, the Southern Regional Education Board (SREB), the Office of Program Policy and Government Accountability (OPPAGA), the Education Commission of the States (ECS), the National Governor’s Association, and the Learning First Alliance; and
- Consult with OPPAGA, the Department of Education, school districts, and other stakeholders to consider the implications of the research findings and the impact of the research on Florida’s teaching workforce.

## **Monitor Projects**

*(None)*

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# EDUCATION PRE-K 12 APPROPRIATIONS

## Interim Projects

**INTERIM PROJECT TITLE:**

*Report on the Impact of the General Appropriations Act on Pre-K – 12 Education*

**DATE DUE:** October 1, 2009

**PROJECT NUMBER:** 2010-113

**ISSUE DESCRIPTION and BACKGROUND:**

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

**OBJECTIVE:**

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, professional staff will work with Department of Education staff as allocations of state appropriations to various school districts are made. These allocations will be checked for consistency with the General Appropriations Act as the post-session book is prepared.

## Mandatory Reviews

*(None)*

## Issue Briefs

*(None)*

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*On-line Union Catalog with Combined Library Holdings of all Schools and Public Libraries*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-432

**ISSUE DESCRIPTION and BACKGROUND:**

The General Appropriations Act requires a plan to be provided no later than December 1, 2009, for an on-line union catalog with combined library holdings of all schools and public libraries. The Department of Education will collaborate with the Florida Center for Library Automation (FCLA), the College Center for Library Automation (CCLA), and the Florida Electronic Library (FEL) of the Department of State to jointly prepare and provide to legislative leaders and the Governor, a plan that provides options and recommendations for:

- Establishing an on-line union catalog that can search the combined library holdings of the K-12 public schools, the public postsecondary education institutions, and the public libraries. The catalog will include holdings that comply with nationally accepted cataloging standards for the representation and communication of bibliographic and related information in machine-readable form; allow users to search for holdings by school district, public postsecondary education institution, public library, region, and statewide; and include an Internet-based analytic tool that collects and analyzes user and inter-library loan request data.
- Establishing a process for the Sunlink Uniform Library Database, FCLA, CCLA, and FEL to jointly negotiate the statewide licensing of electronic resources to reduce the overall cost.
- Consolidating automated, on-line library services and systems, to include associated infrastructure, to maximize efficiencies, reduce costs, and increase collaboration.
- Establishing a statewide approach and process for contracting with library cataloging utilities and other providers of library services and products and securing statewide membership in library organizations and regional library affiliates.

**OBJECTIVE:**

This interim project will monitor the union library catalog workgroup as it develops the recommended plan. Professional staff will also continue monitoring the utilization of current library catalog systems by schools and institutions of higher education.

**METHODOLOGY:**

Professional staff will monitor the meetings, discussions, and products of the workgroup and utilization of the existing library catalogs.

**INTERIM MONITOR PROJECT TITLE:**

*Virtual Curriculum Marketplace*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-433

**ISSUE DESCRIPTION and BACKGROUND:**

The General Appropriations Act requires the Department of Education to establish a virtual curriculum marketplace to assist school districts in the provision of online or digital content. The marketplace must contain free or fee-based digital assets and full courses that align with the Sunshine State Standards. A percentage of fees charged for a course may be retained by the department to offset the cost of maintaining and operating the virtual curriculum marketplace which must be self supporting. The department is authorized to negotiate with the Distance Learning Consortium or private providers for a common statewide platform for the marketplace to facilitate the delivery of digital assets and courses from multiple course providers, track student progress, and include digital content which is aligned to and searchable by the Sunshine State Standards.

**OBJECTIVE:**

This interim project will monitor the establishment of the virtual curriculum marketplace as well as the use of virtual curriculum within preK-12 education.

**METHODOLOGY:**

Professional staff will monitor the meetings, discussions, and implementation of the virtual curriculum marketplace by the Department of Education.



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# ENVIRONMENTAL PRESERVATION AND CONSERVATION

## Interim Projects

**INTERIM PROJECT TITLE:**

*Chapter 373, F.S., Water Resources*

**DATE DUE:** October 1, 2009

**PROJECT NUMBER:** 2010-114

**ISSUE DESCRIPTION and BACKGROUND:**

During the past two regular sessions, legislation has been filed which proposes to reorganize and create a new part of Chapter 373, F.S. This chapter represents the cornerstone of laws related to: creation and operation of the water management districts; planning and regulating the use of water; Everglades and Lake Okeechobee restoration; water supply; and wetlands.

**OBJECTIVE:**

The objective of the project will be to document the evolution of this chapter, evaluate the statutory construction of its component parts, and provide recommendations and options for consideration by the Legislature regarding potential reorganization or rewriting.

**METHODOLOGY:**

Professional staff will conduct: legal and statutory research; interview agency personnel and user groups; and conduct workshops.

## Mandatory Reviews

*(None)*

## Issue Briefs

**INTERIM ISSUE BRIEF TITLE:**

*Coastal Management*

**DATE DUE:** September 15, 2009

**PROJECT NUMBER:** 2010-314

**ISSUE DESCRIPTION and BACKGROUND:**

Florida's coastal management program is based on a network of agencies implementing 23 statutes that protect and enhance the state's natural, cultural and economic resources. The goal of the program is to coordinate local, state and federal agency activities using existing laws to ensure that Florida's coasts are adequately protected. The Department of Environmental Protection is responsible for directing the implementation of the state-wide coastal management program.



**OBJECTIVE:**

The objective of the project is to provide a comprehensive overview of the numerous programs and statutory directives concerning the state's coastal management efforts. Emphasis will be placed on issues involving the uses and management of the state's coastal submerged lands and federal consistency requirements.

**METHODOLOGY:**

Professional staff will conduct: statutory research; interview agency staff and user groups; evaluate individual programs; and provide recommendations and options for consideration by the Legislature.

**INTERIM ISSUE BRIEF TITLE:**

*Water Supply Funding*

**DATE DUE:** September 15, 2009

**PROJECT NUMBER:** 2010-315

**ISSUE DESCRIPTION and BACKGROUND:**

Prior to the 2009 Regular Session the Department of Environmental Protection, as a part of its agency legislative proposals, recommended the imposition of a severance fee on the water used by bottled water companies. However, the issue was never formally introduced as legislation.

**OBJECTIVE:**

To examine the use of severance fees by the state as they relate to the taking of resources owned by the state with an emphasis on identifying the various uses of water and fees related to that use.

**METHODOLOGY:**

Professional staff will review reports and studies concerning the imposition of severance fees. Professional staff will meet with appropriate state agencies and water management districts to evaluate and report on the uses of water.

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*Acquisition of U.S. Sugar Lands by the South Florida Water Management District*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-434

**ISSUE DESCRIPTION and BACKGROUND:**

The South Florida Water Management District recently approved the acquisition of 73,000 acres of land from the United States Sugar Corporation for Everglades Restoration. This proposal represents a revision of the original, approved late in 2008, that would have acquired 180,000 acres. The revised proposal calls for the expenditure of \$536 million for the 73,000 acres with options to purchase another 107,000 acres. In order to execute the revised proposal the district has to accomplish a series of tasks including the validation and issuance of certificates of participation.

**OBJECTIVE:**

Professional staff will monitor the activities of the district as they relate to all facets of the proposed acquisition.

**METHODOLOGY:**

Professional staff will receive periodic briefings from district staff on the progress of the acquisition. Additionally, committee staff will monitor meetings of the district's governing board.

**INTERIM MONITOR PROJECT TITLE:**

*Fish and Wildlife Conservation Commission Pilot Program for Mooring Fields*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-435

**ISSUE DESCRIPTION and BACKGROUND:**

Pursuant to CS/CS/HB 1423 the Fish and Wildlife Conservation Commission is directed to establish a pilot program to explore potential options for regulating the anchoring or mooring of non-live-aboard vessels outside the marked boundaries of public mooring fields. During the upcoming year the Commission will be selecting pilot sites and beginning the process of working with local governments to adopt anchoring and mooring field ordinances.

**OBJECTIVE:**

Professional staff will monitor the selection of pilot sites and efforts of the Commission to assist in the establishment of anchoring and mooring ordinances.

**METHODOLOGY:**

Committee staff will meet with Commission staff to receive periodic updates on the implementation of this pilot program.

**INTERIM MONITOR PROJECT TITLE:**

*Nitrogen Reduction Study*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-436

**ISSUE DESCRIPTION and BACKGROUND:**

Began in 2008 the Department of Health has contracted for a study and report on the ability of septic tank systems to achieve certain nitrogen reduction targets. In the proposed 2009-2010 fiscal year budget the study is being continued with specific completion dates. The results of this study are expected to play an important role in the development of springs protection measures.

**OBJECTIVE:**

To monitor the progress of the study.

**METHODOLOGY:**

Professional staff will meet with the staff's of the Department of Health and the Department of Environmental Protection to receive periodic updates on the study's findings.

**INTERIM MONITOR PROJECT TITLE:**

*Recycling Program Development*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-437

**ISSUE DESCRIPTION and BACKGROUND:**

As part of the 2008 comprehensive energy legislation, the Department of Environmental Protection was directed to develop a comprehensive recycling program designed to achieve a statewide recycling rate of 75 percent. The program is scheduled to be submitted to the Legislature by January 1, 2010 and may not be implemented until approved by the Legislature.

**OBJECTIVE:**

Professional staff will monitor the efforts of the department as they relate to designing the recycling program.

**METHODOLOGY:**

Professional staff will meet with department staff to assess the progress of efforts to design a program. Professional staff will also attend stakeholder meetings related to program design.

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# ETHICS AND ELECTIONS

## Interim Projects

(None)

## Mandatory Reviews

**INTERIM MANDATORY REVIEW TITLE:**

*Agency Sunset Review of the Division of Elections of the Department of State*

**DATE DUE:** December 1, 2009

**PROJECT NUMBER:** 2010-214

**ISSUE DESCRIPTION and BACKGROUND:**

Sections 11.901-11.920, F.S., are known as the Florida Government Accountability Act. Under this act, most state agencies are subject to a “sunset” review process to determine whether the agency should be retained, modified, or abolished. Reviews are accomplished in three steps. First, by January 1, 2008, an agency under review must produce specific information as enumerated in statute. Second, upon receipt of the agency information, the Joint Legislative Sunset Committee and the legislative committees assigned to act as sunset review committees must review the information submitted and may request studies by the Office of Program Policy Analysis and Government Accountability (OPPAGA). Third, based on the agency submissions, the OPPAGA studies, and public input, the joint committee and the legislative sunset review committees will make recommendations to the Legislature by March 1, 2010, regarding the termination, modification, or continuation of the agency and its programs. The legislative sunset review committees will also propose necessary legislation.

During the 2010 Regular Session, the Legislature will consider the recommendations and the proposed legislation. An agency may be abolished if the Legislature, pursuant to law, finds that all state laws the agency had responsibility to implement or enforce have been repealed, revised, or reassigned to another remaining agency and that adequate provision has been made to transfer certain duties and obligations to a successor agency.

The review process began in 2008 with four agencies submitting information by July 1, 2008. These agencies include the Departments of Children and Families, Community Affairs, Management Services, and State.

The Senate Ethics and Elections Committee is the primary sunset review committee for the Division of Elections of the Department of State, with assistance from the Senate Transportation and Economic Development Appropriations Committee.

**OBJECTIVE:**

Each agency under sunset review will have its programs examined to determine the effectiveness and efficiency of the agency’s work and the necessity of continuing the duties and responsibilities assigned to the agency. Based on the recommendations of each Sunset Review Committee, proposed legislation will be drafted to continue, modify, or abolish the agency under review.

**METHODOLOGY:**

To assist the members of the legislative sunset review committee, staff will review the agency information submissions, all relevant OPPAGA reports and studies, all relevant Auditor General and agency inspector general reports, public testimony and submissions, and any other information deemed relevant by the committee. The staff will identify all statutorily assigned duties and responsibilities of the agency under review. As directed by the committee, staff will draft recommendations and proposed legislation to continue, modify, or abolish the agency.

**INTERIM MANDATORY REVIEW TITLE:**

*Open Government Sunset Review of Section 97.0585, F.S., Voters and Voter Registration Confidentiality of Information*

**DATE DUE:** September 1, 2009

**PROJECT NUMBER:** 2010-215

**ISSUE DESCRIPTION and BACKGROUND:**

Section 97.0585, F.S., concerns information held by an agency regarding voters and voter registration. The statute specifically exempts and makes confidential all declinations to register to vote pursuant to ss. 97.057 and 97.058, F.S., information regarding the place where a person registered to vote or where a person updated a voter registration, and the voter registration applicant's or voter's social security number, driver's license number, and Florida identification card number. The statute also exempts a voter's signature and prevents it from being copied.

**OBJECTIVE:**

A review will be conducted of s. 97.0585, F.S., which is subject to the Open Government Sunset Review Act in accordance with s. 119.15, F.S. The purpose of the review is to make recommendations to the Legislature as to whether the section should be repealed, amended, or saved from repeal through reenactment.

**METHODOLOGY:**

Senate professional staff will review the statutory history of the section, as well as its application, since legislative enactment. The relevance of the statute will be reviewed with respect to governmental agencies and private entities affected by the statute.

**INTERIM MANDATORY REVIEW TITLE:**

*Open Government Sunset Review of Section 112.324(2)(a), F.S., Commission on Ethics Confidentiality of Records*

**DATE DUE:** September 1, 2009

**PROJECT NUMBER:** 2010-216

**ISSUE DESCRIPTION and BACKGROUND:**

Section 112.324(2)(a), F.S., concerns complaints and certain records held by the Commission on Ethics or its agents, or by a Commission on Ethics and Public Trust established by a county or municipality. The statute specifically exempts and makes confidential a complaint and records relating

to a complaint or any preliminary investigation held by the commission. The statute also exempts proceedings conducted by the commission as a result of a complaint or preliminary investigation.

**OBJECTIVE:**

A review will be conducted of s. 112.324(2)(a), F.S., which is subject to the Open Government Sunset Review Act in accordance with s. 119.15, F.S. The purpose of the review is to make recommendations to the Legislature as to whether the section should be repealed, amended, or saved from repeal through reenactment.

**METHODOLOGY:**

Senate professional staff will review the statutory history of the section, as well as its application, since legislative enactment. The relevance of the statute will be reviewed with respect to governmental agencies and private entities affected by the statute.

## **Issue Briefs**

*(None)*

## **Monitor Projects**

*(None)*



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# FINANCE AND TAX

## Interim Projects

**INTERIM PROJECT TITLE:**

*Assessment for Property Taxes of Working Waterfronts – Implementation of Constitutional Amendment Approved in November 2008*

**DATE DUE:** October 1, 2009

**PROJECT NUMBER:** 2010-115

**ISSUE DESCRIPTION and BACKGROUND:**

The voters approved a constitutional amendment in November 2008 that allows for working waterfronts to be assessed on the basis of current use. The amendment provided that the assessment of the following working waterfront properties shall be based upon the current use of the property:

- Land used predominantly for commercial fishing purposes;
- Land that is accessible to the public and used for vessel launches into waters that are navigable;
- Marinas and drystackes that are open to the public; and
- Water-dependent marine manufacturing facilities, commercial fishing facilities, and marine vessel construction and repair facilities and their support activities.

The amendment provided that the assessment benefit was subject to conditions and reasonable definitions as specified by the Legislature. The amendment is required to be in effect for assessments as of January 1, 2010 and requires implementation by the Legislature. Legislation was heard in the 2009 session but failed to pass.

**OBJECTIVE:**

Explore assessment methodologies to determine those appropriate to implement the constitutional amendment in a fashion that allows those eligible for an assessment benefit to receive the benefit. Develop statutory language implementing the constitutional amendment.

**METHODOLOGY:**

Examine treatment of working waterfronts in other states. Examine appraisal methodology for current use assessments.



**INTERIM PROJECT TITLE:**

*Assessment of Improvements that Increase Resistance to Wind Damage and Installation of Renewable Energy Devices – Implementation of Constitutional Amendment Approved in November 2008*

**DATE DUE:** October 1, 2009

**PROJECT NUMBER:** 2010-116

**ISSUE DESCRIPTION and BACKGROUND:**

The voters approved a constitutional amendment in November 2008 that authorizes the Legislature, by general law, to prohibit consideration of changes or improvements to residential real property which increase resistance to wind damage and installation of renewable energy source devices as factors in assessing the property's value for ad valorem taxation purposes. The amendment was permissive and does not require the Legislature to implement.

Legislation was heard in the 2009 session but failed to pass. There is a certain amount of discretion provided to the legislature in determining the applicability of the two assessment benefits. For example, whether the prohibition should apply to new construction in addition to improvements or changes to existing structures, and whether the prohibition should extend beyond the initial owner of the property. Certain issues exist with respect to administration of the amendment, such as whether to require an application, and how the property appraiser will identify the existence and the value of improvements or changes that increase resistance to wind damage.

**OBJECTIVE:**

Explore the policy options available to the Legislature regarding the applicability and administration in the implementation of the constitutional amendment prohibiting consideration of changes or improvements to residential real property which increase resistance to wind damage and installation of renewable energy source devices as factors in assessing the property's value for ad valorem taxation purposes.

**INTERIM PROJECT TITLE:**

*Assessment of Lands used for Conservation Purposes – Implementation of Constitutional Amendment Approved in November 2008*

**DATE DUE:** October 1, 2009

**PROJECT NUMBER:** 2010-117

**ISSUE DESCRIPTION and BACKGROUND:**

Voters approved a constitutional amendment November 2008 that allowed for an exemption to be granted to lands perpetually dedicated for conservation purposes and allowing for lands used for conservation purposes to be assessed solely on the basis of character or use. HB 7157 passed in the 2009 session implementing the exemption. HB 7157 made some minor changes to the current law provision that allowed for valuation of lands subject to temporary easements.

**OBJECTIVE:**

To explore other opportunities to provide an assessment benefit to properties used for conservation purposes beyond the preexisting provisions regarding temporary conservation restrictions or conveyances of development rights.

**METHODOLOGY:**

Examine tax treatment of lands used for conservation purposes in other states. Explore methods of demonstrating conservation use other than conveying the development rights to a local government or public or private agency or entering into a covenant with a public or private agency to restrict the use of the land.

## Mandatory Reviews

*(None)*

## Issue Briefs

*(None)*

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*Effect of Recent Legislation on the Value Adjustment Board Process*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-438

**ISSUE DESCRIPTION and BACKGROUND:**

Ch. 2008-197, L.O.F. requires development of a manual for Value Adjustment Boards and mandates that DOR provide training. The DOR is still in the process of conducting workshops to develop rules implementing the legislation. HB 521 passed in the 2009 session, revises the burden of proof for challenging assessments in administrative and judicial proceedings.

**OBJECTIVE:**

Professional staff will monitor the department's progress toward fulfilling these requirements and review the policies and procedures manual and training curriculum. In addition, staff will evaluate the impact of the revision of the burden in proof with respect to the volume of cases before the Value Adjustment Board.



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# GENERAL GOVERNMENT APPROPRIATIONS

## Interim Projects

(None)

## Mandatory Reviews

(None)

## Issue Briefs

(None)

## Monitor Projects

<b>INTERIM MONITOR PROJECT TITLE:</b>
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<i>Advertising, Promotion Campaigns, and Field Support – Department of Lottery</i>
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**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-439

**ISSUE DESCRIPTION and BACKGROUND:**

The Fiscal Year 2009-2010 General Appropriations Act (GAA) includes proviso language that directs the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a study to examine the effectiveness of major advertising and promotion campaigns for lottery games. The study will include an analysis of sales, advertising, and player data by game and media outlet. The study will be submitted to the chair of the Senate Committee on General Government Appropriations and the chair of the House Government Operations Appropriations Committee by January 31, 2010.

In addition, the GAA includes proviso language directing the OPPAGA to examine the cost effectiveness of alternatives for providing field support services, including the outsourcing of field support operations and the impact on the department's staffing, fleet vehicles, district offices, retailer network, and services. The study will include advantages, disadvantages, and fiscal impacts of each option reported. The study will be submitted to the chair of the Senate Committee on General Government Appropriations and the chair of the House Government Operations Appropriations Committee by January 31, 2010.

**OBJECTIVE:**

The objective of this project is to monitor the findings and recommendations of the OPPAGA in order to determine the effectiveness of major advertising and promotion campaigns, to ensure that the Department of Lottery is maximizing advertising dollar returns, and to monitor the cost effectiveness of providing alternatives for field support services.

**METHODOLOGY:**

The Senate Professional Staff of the General Government Appropriations Committee will work with the OPPAGA staff to review and analyze data related to advertising and promotion campaigns and monitor the cost effectiveness of alternative field support services.

**INTERIM MONITOR PROJECT TITLE:**

*Agency Sunset Review of the Department of Management Services*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-440

**ISSUE DESCRIPTION and BACKGROUND:**

Sections 11.901-11.920, F.S., are known as the Florida Government Accountability Act. Under this act, most state agencies are subject to a “sunset” review process to determine whether the agency should be retained, modified, or abolished. Reviews are accomplished in three steps:

- By July 1, 2008, the agency under review is required to produce specific information as enumerated in statute.
- Upon receipt of the agency information, the Joint Legislative Sunset Committee and the legislative committees assigned to act as sunset review committees must review the information submitted and may request studies by the Office of Program Policy Analysis and Government Accountability (OPPAGA).
- Based on the agency submissions, the OPPAGA studies, and public input, the joint committee and the legislative sunset review committees are required to make recommendations to the Legislature by March 1, 2010, regarding the termination, modification, or continuation of the agency and its programs. The legislative sunset review committees will also propose necessary legislation.

During the 2010 Regular Session, the Legislature will consider the recommendations and the proposed legislation. An agency may be abolished if the Legislature, pursuant to law, finds that all state laws the agency had responsibility to implement or enforce have been repealed, revised, or reassigned to another remaining agency and that adequate provision has been made to transfer certain duties and obligations to a successor agency.

**OBJECTIVE:**

Each agency under sunset review will have its programs examined to determine the effectiveness and efficiency of the agency’s work and the necessity of continuing the duties and responsibilities assigned to the agency. Based on the recommendations of each sunset review committee, proposed legislation will be drafted to continue, modify, or abolish the agency under review.

**METHODOLOGY:**

The review process began in 2008 with the Department of Management Services submitting information by July 1, 2008. The Senate Governmental Oversight and Accountability Committee is the primary sunset review committee. The Senate General Government Appropriations Committee is assisting in the review.

To assist the members of the legislative sunset review committee, staff will review the agency information submissions, all relevant OPPAGA reports and studies, all relevant Auditor General and agency inspector general reports, public testimony and submissions, and any other information deemed relevant by the committee. The staff will identify all statutorily assigned duties and responsibilities of the agency under review. As directed by the committee, staff will draft recommendations and proposed legislation to continue, modify, or abolish the agency.

**INTERIM MONITOR PROJECT TITLE:**

*Concealed Weapons Licensing Program, Department of Agriculture & Consumer Services*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-441

**ISSUE DESCRIPTION and BACKGROUND:**

The Division of Licensing in the Department of Agriculture and Consumer Services is responsible for protecting the public from unethical business practices on the part of persons providing private security, private investigative, and recovery services to the public through licensure and regulation of those industries pursuant to ch. 493, F.S. In addition, the division is responsible for the issuance of concealed weapon or firearm licenses to qualified persons in accordance with s. 790.06, F.S.

Beginning in the 2004-2005 fiscal year, the division has continued to experience a sharp growth in concealed weapons permit applications. This increase has created a backlog of unprocessed applications, renewals and supporting documentation. From Fiscal Year 2003-2004 through Fiscal Year 2007-2008, concealed weapons applications have increased by 151 percent. During the interim, the Legislature approved numerous budget amendments, which included Other Personal Services (OPS) funding to provide additional workload resources in order to reduce the backlog during the 2008-2009 fiscal year. The division has also received funding to improve business processes to create efficiencies at eight regional offices, in order to provide improved customer service for concealed weapons permit holders and applicants. For the 2009-2010 fiscal year, \$3.2 million in additional funding was provided in the General Appropriations Act for increased OPS, an interactive voice response phone system, and an online preapplication screening system to increase efficiency and to minimize the backlog.

**OBJECTIVE:**

The objective of this project is to monitor the use of the increased funding and staffing associated with the concealed weapons program, to ensure the timely reduction in the current permit application backlog.

**METHODOLOGY:**

Senate Professional Staff of the General Government Appropriations Committee will monitor the use of funding and activities associated with the backlog of permit applications in the concealed weapons program.

**INTERIM MONITOR PROJECT TITLE:**

*Department of Financial Services Risk Management*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-442

**ISSUE DESCRIPTION and BACKGROUND:**

With the largest workforce in Florida, state government delivers a broad range of services and has exposure to potential financial losses. These may result from property damage or injuries to employees and to the public from negligent or improper acts of state employees. The Division of Risk Management (division), within the Department of Financial Services, administers the state's insurance coverage and is responsible for ensuring that participating state agencies receive quality workers' compensation, general liability, federal civil rights, auto liability, off-duty law enforcement vehicle property damage, and property insurance coverage at reasonable rates.

The state funds the division from annual assessments that prorates program costs based on each agency's loss experience and exposure. Agency risk management assessments are paid with operating funds. Projected costs are based on actuarial studies of the division's cash flow needs for claims and program expenses during the upcoming year. The Revenue Estimating Conference utilizes a consensus model to develop a three-year projection to determine the future resource requirements of the division, based upon the state's regular claims loss experience, program operating expenses and current and projected risk assessments.

As the medical, indemnity, and wage costs associated with claims may exist for several years, the state's overall non-discounted liability for all casualty claims incurred through June 30, 2008, is \$950,859,000. Workers' compensation claims represent the greatest liability at \$789,624,000, followed by federal civil rights and employment action claims at \$106,506,000. These two types of claims generate the majority of cost to the Florida Risk Management Trust Fund. The state uses a cash-flow approach to funding these claims.

The division oversees numerous contracts that administer current and historical claims. These expenditures are funded through the division's non-operating budget authority. This presents significant challenges to revenue estimators to accurately forecast the division's future resource requirements as day-to-day transactions are disbursed from the division's revolving fund account. The February 2009 Revenue Estimating Conference projects a \$15.6 million deficit in the 2010-2011 fiscal year.

**OBJECTIVE:**

The objective of this project is to review the current expenditure process and the cash flow of payments from the Risk Management Trust Fund.

**METHODOLOGY:**

The Senate Professional Staff of the General Government Appropriations Committee will work with staff from the Department of Financial Services, the Office of Program Policy Analysis and Governmental Accountability, and the Revenue Estimating Conference to review program and cash flow requirements.

**INTERIM MONITOR PROJECT TITLE:**

*Department of Lottery Retailer Commission Study*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-443

**ISSUE DESCRIPTION and BACKGROUND:**

The Fiscal Year 2009-2010 General Appropriations Act includes proviso language that directs the Department of Lottery to study the retailer commission structure for all games and to develop alternatives for rewarding retailers' performance. The study shall include a fixed fee payment structure based on the number of tickets sold and an incentive for exceeding performance targets to attract and retain quality retailers. The study shall also include a benchmark analysis of U.S. lotteries and consider alternatives that provide retailers commission increases commensurate with increases in inflation since Fiscal Year 2000-2001. The study is to be submitted to the chair of the Senate Committee on General Government Appropriations and the chair of the House Government Operations Appropriations Committee by January 31, 2010.

**OBJECTIVE:**

The objective of this project is to monitor the findings and recommendations of the Department of Lottery's retailer commission structure to determine whether the current structure is the most cost effective. In addition, determine if alternatives for rewarding performance need to be developed in order to maximize sales distribution, revenues and attract new retailers.

**METHODOLOGY:**

Senate Professional Staff of the General Government Appropriations Committee will work with the Department of Lottery and the OPPAGA to monitor the progress of the study and to review data related to the retailer commission structure for all lottery games.

**INTERIM MONITOR PROJECT TITLE:**

*Implementation of Legislation Relating to State-owned Real Property – Department of Management Services*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-444

**ISSUE DESCRIPTION and BACKGROUND:**

The 2009 Legislature passed SB 1804, directing the Department of Management Services (department) to create, administer, and maintain a comprehensive database of all state-owned real property. It requires the department to prepare a plan by January 4, 2010, which addresses the following issues:

- A method for requiring that specific information be provided for each property in the database in order to determine appropriate valuation.
- A method for maintaining and updating the database.
- A method for the identification and assessment of database properties for potential disposition.



- A method for requiring that the Department of Management Services be notified of identified properties for purposes of conducting a strategic valuation and disposition analysis.

The bill also requires state agencies to notify the department prior to the execution of a lease less than 5,000 square feet. The DMS is directed to determine whether suitable space is available in a state-owned building. If a state facility is not available, the department reviews the lease proposal to determine whether it is in the best interest of the state. Should the lease proposal not be in the best interest of the state, the department shall notify the agency proposing the lease, the Governor, and the presiding officers of each house of the Legislature of such finding in writing.

Finally, the bill directs the department, in coordination with the Board of Trustees of the Internal Improvement Trust Fund, to immediately begin the disposition of the following surplus property: the Fuller Warren Building, the Bloxham Building, the Bloxham Annex Properties "A," "B," and "C," the Firestone Building, and the Winchester Building. Changes to the state's real property disposal process contained in the bill also provided that state universities be given first priority.

**OBJECTIVE:**

The objective of this project is to monitor the progress of the department's development of a comprehensive database of all state-owned real property, and to review the plans for all state-owned real property prior to execution of leases. In addition, the objective of this proposal is to ensure that surplus buildings are being disposed in a timely manner while achieving the best value for the state.

**METHODOLOGY:**

The Senate Professional Staff of the General Government Appropriations Committee will work with staff of the Department of Management Services to monitor and review the development and implementation of a comprehensive database and plan relating to all state-owned real property and the disposition of surplus properties.

**INTERIM MONITOR PROJECT TITLE:**

*MyFloridaMarketPlace and PeopleFirst*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-445

**ISSUE DESCRIPTION and BACKGROUND:**

In October 2002, the Department of Management Services (department) contracted with Accenture, LLP, to build, implement, and maintain a statewide web-based electronic procurement system that enables the state to buy and sell goods and services electronically. This system is known as MyFloridaMarketPlace. The current estimated contract value is \$114 million. The contract expires in the year 2010.

In 2002, the department also contracted with Convergys Customer Management Group, Inc., to provide an automated web-based system for the state's human resource functions. The initiative, known as PeopleFirst, was intended to automate and streamline timesheet submission, new employee processing, leave use and accrual management, payroll preparation, benefits administration, and

employee records maintenance. The current estimated contract value is \$350 million. The contract expires in the year 2011.

In order to prepare for the expiration of these contracts and determine what alternatives are available to the state, the Fiscal Year 2008-2009 General Appropriations Act included proviso language requiring the Office of Program Policy Analysis and Government Accountability (OPPAGA) to perform a study of the MyFloridaMarketPlace and PeopleFirst systems. As required, the study results and recommendations were provided to the Executive Office of the Governor, the chair of the Senate Fiscal Policy and Calendar Committee, and the chair of the House Policy and Budget Council in February 2009. Both studies concluded that the state's most viable option is to enter into contract renegotiations; however, legislation passed during the 2009 Legislative Session provided further direction to agencies entering into long-term contracts.

**OBJECTIVE:**

The objective of this project is to monitor the progress of the department's contract negotiations and the potential resulting cost savings.

**METHODOLOGY:**

Senate Professional Staff of the General Government Appropriations Committee will work with staff of the Department of Management Services to monitor and review the negotiation of the MyFloridaMarketPlace and the PeopleFirst systems contracts.

**INTERIM MONITOR PROJECT TITLE:**

*Office of Financial Regulation S.A.F.E. Mortgage Licensing Act*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-446

**ISSUE DESCRIPTION and BACKGROUND:**

The Office of Financial Regulation (OFR), which reports to the Financial Services Commission, is responsible for regulating mortgage brokers and mortgage lenders and other specified financial entities in the state. Mortgage brokers and mortgage lenders are required to comply with federal and state laws regulating the industry, unless they are exempt under such laws. On July 30, 2008, the federal government enacted the Federal Housing and Economic Recovery Act in response to the recent turmoil in the housing market and reports of abusive lending practices. Title V of this act is known as the "Secure and Fair Enforcement for Mortgage Licensing (S.A.F.E.) Act of 2008." The S.A.F.E. Act requires that all states have a system of licensure meeting national definitions and minimum standards for mortgage loan originators by August 1, 2009. If the U.S. Department of Housing and Urban Development (HUD) determines a state is not in compliance, HUD is authorized to implement a system for all mortgage loan originators in that state.

In response to the new federal requirements, the 2009 Legislature passed CS/CS/SB 2226, which provides increased licensure and enforcement authority to the OFR to regulate loan originators, mortgage broker businesses, and non-depository mortgage lender businesses. The bill includes the following provisions relating to the licensure and regulation of loan originators, mortgage brokers, and mortgage lenders.

- Provides for the restructuring of fees and regulatory requirements for individuals who work for mortgage brokers or mortgage lenders.
- Directs Florida's participation in a national licensing database and registry which will allow consumer access to a database containing the employment history of loan originators and any disciplinary or enforcement actions against them.
- Provides for annual state licensure rather than biennial renewal of individual loan originators, including employees of mortgage broker and mortgage lender businesses, for greater accountability and regulation and enhanced consumer protection.
- Requires the submission of fingerprints to the OFR and to the national registry for state and federal background checks.
- Requires the submission of an independent annual credit report to be reviewed by the OFR. The applicant may provide further information to mitigate adverse items contained in the credit report.
- Re-establishes a guaranty or recovery fund, supported by an assessment on loan originators and mortgage brokers and lenders, to compensate consumers who suffer monetary losses by licensed individuals or businesses who have violated provisions in ch. 494, F.S., and who have obtained a recorded final judgment issued by a state court.

The Fiscal 2009-2010 General Appropriations Act (GAA) includes a total of \$933,219 and five full-time equivalent positions to implement the provisions of the bill. This includes a \$500,000 one-time fee for the State of Florida's participation in the Nationwide Mortgage Licensing System and Registry, and \$1.3 million in additional technology resources for upgrading the OFR's Regulatory Enforcement and Licensing System (REAL) to meet S.A.F.E. Act implementation requirements.

**OBJECTIVE:**

The objective of this project is to monitor the OFR's progress in implementing the new licensure and regulatory requirements for loan originators, mortgage broker businesses, and non-depository mortgage lender businesses, in order to ensure that all requirements are met to provide greater accountability and enhanced public protection.

**METHODOLOGY:**

The Senate Professional Staff of the General Government Appropriations Committee will work with the Senate Banking and Insurance Committee and the Technology Review Workgroup to review all relevant project information and plans provided by the OFR.

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# GOVERNMENTAL OVERSIGHT AND ACCOUNTABILITY

## Interim Projects

(None)

## Mandatory Reviews

<b>INTERIM MANDATORY REVIEW TITLE:</b>
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<i>Agency Sunset Review of the Department of Management Services</i>
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**DATE DUE:** December 1, 2009

**PROJECT NUMBER:** 2010-217

**ISSUE DESCRIPTION and BACKGROUND:**

Sections 11.901- 11.920, F.S., are known as the Florida Government Accountability Act (act). Under this act, most state agencies are subject to a “sunset” review process to determine whether the agency should be retained, modified, or abolished. Reviews are accomplished in three steps. First, an agency under review must produce specific information as enumerated in statute. Second, upon receipt of the agency information, the Joint Legislative Sunset Review Committee and the legislative committees assigned to act as sunset review committees must review the information submitted and may request studies by the Office of Program Policy Analysis and Government Accountability (OPPAGA). Third, based on the agency submissions, the OPPAGA studies, and public input, the joint committee and the legislative sunset review committees will make recommendations to the Legislature by March 1, 2010, regarding the termination, modification, or continuation of the agency and its programs. The legislative sunset review committees will also propose necessary legislation.

During the 2010 Regular Session, the Legislature will consider the recommendations and the proposed legislation. An agency may be abolished if the Legislature, pursuant to law, finds that all state laws the agency had responsibility to implement or enforce have been repealed, revised, or reassigned to another remaining agency and that adequate provision has been made to transfer certain duties and obligations to a successor agency.

The review process for the Departments of Children and Families, Community Affairs, Management Services, and State began in July, 2008, when the Departments submitted their respective statutorily mandated agency reports. The Senate Governmental Operations Committee is the primary sunset review committee for review of the Department of Management Services. The Senate General Government Appropriations Committee will assist in this review.

**OBJECTIVE:**

The objective is to examine the Department of Management Services to determine its effectiveness and efficiency, and the necessity of continuing the duties and responsibilities assigned to the agency. The Issue Brief will provide background on the agency and identify areas for further study for completion of the sunset review.

**METHODOLOGY:**

Senate professional staff will review the agency information submissions, all relevant OPPAGA reports and studies, all relevant Auditor General and agency inspector general reports, public testimony and submissions, and any other information deemed relevant by the committee. The professional staff will identify all statutorily assigned duties and responsibilities of the agency under review, and will make recommendations regarding further study needed for completion of the sunset review.

**INTERIM MANDATORY REVIEW TITLE:**

*Agency Sunset Review of the Divisions of Historical Resources, Library and Information Services, Cultural Affairs, and Administration of the Department of State*

**DATE DUE:** December 1, 2009

**PROJECT NUMBER:** 2010-218

**ISSUE DESCRIPTION and BACKGROUND:**

Sections 11.901- 11.920, F.S., are known as the Florida Government Accountability Act (act). Under this act, most state agencies are subject to a “sunset” review process to determine whether the agency should be retained, modified, or abolished. Reviews are accomplished in three steps. First, an agency under review must produce specific information as enumerated in statute. Second, upon receipt of the agency information, the Joint Legislative Sunset Review Committee and the legislative committees assigned to act as sunset review committees must review the information submitted and may request studies by the Office of Program Policy Analysis and Government Accountability (OPPAGA). Third, based on the agency submissions, the OPPAGA studies, and public input, the joint committee and the legislative sunset review committees will make recommendations to the Legislature by March 1, 2010, regarding the termination, modification, or continuation of the agency and its programs. The legislative sunset review committees will also propose necessary legislation.

During the 2010 Regular Session, the Legislature will consider the recommendations and the proposed legislation. An agency may be abolished if the Legislature, pursuant to law, finds that all state laws the agency had responsibility to implement or enforce have been repealed, revised, or reassigned to another remaining agency and that adequate provision has been made to transfer certain duties and obligations to a successor agency.

**OBJECTIVE:**

The objective is to examine the Divisions of Historical Resources, Library and Information Services, Cultural Affairs and Administration of the Department of State to determine their effectiveness and efficiency, and the necessity of continuing the duties and responsibilities assigned to those divisions, as well as to evaluate the adequacy of current fees to support certain programs.

**METHODOLOGY:**

Senate professional staff will review the agency information submissions, all relevant OPPAGA reports and studies, all relevant Auditor General and agency inspector general reports, public testimony and submissions, and any other information deemed relevant by the committee. The professional staff will identify all statutorily assigned duties and responsibilities of the agency under review.

## Issue Briefs

**INTERIM ISSUE BRIEF TITLE:**

*Electronic Filing of Documents at the Division of Administrative Hearings*

**DATE DUE:** September 15, 2009

**PROJECT NUMBER:** 2010-316

**ISSUE DESCRIPTION and BACKGROUND:**

Currently, the Division of Administrative Hearings (DOAH) allows, but does not mandate, the electronic filing of documents. DOAH also electronically distributes selected orders. DOAH has no statutory authority for mandating the electronic filing of any orders or documents.

**OBJECTIVE:**

The object of this project is to consider whether to require the electronic filing of documents with DOAH, or whether to mandate electronic filing only in certain types of DOAH proceedings, or with certain kinds of petitioners or respondents.

**METHODOLOGY:**

Staff will solicit information from DOAH and interested parties as to the feasibility of mandating electronic filing of documents or orders, and research the practices of Florida and federal courts and the administrative law systems of other states and the federal government in regards to electronic filing requirements.

**INTERIM ISSUE BRIEF TITLE:**

*Setting the 2010-2011 Employer Contribution Rates for the Florida Retirement System*

**DATE DUE:** January 4, 2010

**PROJECT NUMBER:** 2010-317

**ISSUE DESCRIPTION and BACKGROUND:**

It has been the recent custom for the Legislature to set the employer payroll contribution rates for the Florida Retirement System in separate legislation accompanying the General Appropriations Act. The rates recommended by the state's consulting actuary are persuasive for the Legislature but they are not binding upon the body. The Legislature has total discretion in the setting of the rates provided it is in compliance with the full funding provisions of the State Constitution. By law, the annual plan valuation is subject to a second opinion actuarial analysis commissioned by the Office of Program Policy Analysis and Government Accountability.

**OBJECTIVE:**

The brief will provide the implementing draft for the 2010-2011 employer contributions rates, consistent with recent past practice.

**METHODOLOGY:**

The practice has been to wait until the consulting actuary certifies the contribution rates in the annual plan valuation completed at the end of the 2009 calendar year. Fiscal Year 2011 will begin a new

five-year actuarial cycle in which the plan rates will be affected by the completion of an experience, or participant demographic study, by the consulting actuary.

Additionally, the 2009 Legislature indicated in the rate bill enacted that Session, SB 1802, that it wished to receive an actuarial impact review on potential changes to the methods by which the Deferred Retirement Option Program is funded.

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*Activities of Agency for Enterprise Information Technology*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-447

**ISSUE DESCRIPTION and BACKGROUND:**

The Legislature created the Agency for Enterprise Information Technology (AEIT) in 2007, and has subsequently specified further duties, most recently in CS/SB 2574, passed in the 2009 Regular Session, specifying that information technology security is established as an enterprise information technology service, and creating a state email system.

**OBJECTIVE:**

Monitor AEIT actions for compliance with the requirements of CS/SB 2574.

**METHODOLOGY:**

The project will monitor the organizational and operational actions of the AEIT.

**INTERIM MONITOR PROJECT TITLE:**

*Consolidation of State Data Centers*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-448

**ISSUE DESCRIPTION and BACKGROUND:**

The Legislature created the state data center system in 2008, and specified further requirements for state agency data center consolidation in CS/SB 2574, passed in the 2009 Regular Session.

**OBJECTIVE:**

Monitor agency actions for compliance with the requirements of CS/SB 2574, relating to consolidation state data centers.

**METHODOLOGY:**

The project will monitor the organizational and operational actions affected agencies.

**INTERIM MONITOR PROJECT TITLE:**

***Implementation of 2009 Statutory Changes to Reemployment After Retirement in the Florida Retirement System***

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-449

**ISSUE DESCRIPTION and BACKGROUND:**

The 2009 Legislature enacted significant changes to the terms under which retired members and officers participating in the multi-employer Florida Retirement System (FRS) may return to work or office and earn a subsequent benefit for a second career. After July 1, 2010, a retiree from this system may return to employment only after a six-month break in service and with no pension benefit for the second career.

**OBJECTIVE:**

The Committee will seek information from the Department of Management Services, for the pension Plan, and the Board of Administration, for the Investment Plan, on the actions they have taken to inform employers and employees of the statutory changes.

**METHODOLOGY:**

The Committee will examine the revised communications from both agencies and the instructional guidance prepared for employers and employees in anticipation of the July 1, 2010 effective date.





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# HEALTH AND HUMAN SERVICES APPROPRIATIONS

## Interim Projects

*(None)*

## Mandatory Reviews

*(None)*

## Issue Briefs

*(None)*

## Monitor Projects

<b>INTERIM MONITOR PROJECT TITLE:</b>
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<i>Agency Sunset Review of the Department of Children and Family Services</i>
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**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-450

**ISSUE DESCRIPTION and BACKGROUND:**

Sections 11.901-.920, F.S, are known as the Florida Government Accountability Act. Under this act, most state agencies are subject to a “sunset” review process to determine whether the agency should be retained, modified, or abolished. Reviews are accomplished in three steps. First, an agency under review must produce specific information as enumerated in statute. Second, upon receipt of the agency information, the joint Legislative Sunset Committee and the legislative committees assigned to act as sunset review committees must review the information submitted and may request studies by the Office of Program Policy Analysis and Government Accountability (OPPAGA). Third, based on the agency submissions, the OPPAGA studies, and public input, the joint committee and the assigned legislative sunset review committees will make recommendations to the Legislature by March 1 of the year in which the agency is subject to review, regarding the termination, modification, or continuation of the agency and its programs. The assigned legislative sunset review committees will also propose necessary legislation.

The Legislature will then consider the recommendations and the proposed legislation. An agency may be abolished if the Legislature, pursuant to law, finds that all state laws the agency had responsibility to implement or enforce have been repealed, revised, or reassigned to another remaining agency and that adequate provision has been made to transfer certain duties and obligations to a successor agency.

For the Department of Children and Family Services (DCF or department), the review process began with DCF submitting the required information by July 1, 2008. Staff of the Senate Children, Families, and Elder Affairs Committee (Committee), with the assistance of staff of the Senate Health and Human Services Appropriations Committee, prepared Issue Brief 2009-304, Agency Sunset Review of the Department of Children and Family Services, that identified and described DCF's programs and made recommendations for further review. The Committee adopted a list of issues for further review by OPPAGA in accordance with the recommendations contained in the Issue Brief.

**OBJECTIVE:**

During the 2-year process, each agency under sunset review will have its programs examined to determine the effectiveness and efficiency of the agency's work and the necessity of continuing the duties and responsibilities assigned to the agency. At the end of the review process, based on the recommendations of the assigned sunset review committees, proposed legislation will be drafted to continue, modify, or abolish the agency under review.

**METHODOLOGY:**

Senate professional staff will review all relevant OPPAGA reports and studies prepared in accordance with the recommendations adopted in the Issue Brief, all relevant Auditor General and agency inspector general reports, public testimony and submissions, all reports or recommendations prepared by or at the direction of the Joint Legislative Sunset Review Committee, and any other information deemed relevant by the Committee. As directed by the Committee, Senate professional staff will draft proposed legislation to continue, modify, or abolish DCF.

**INTERIM MONITOR PROJECT TITLE:**

*Home and Community-based Waiver Services for the Developmentally Disabled -- Waitlist*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-451

**ISSUE DESCRIPTION and BACKGROUND:**

The Agency for Persons with Disabilities (APD) annually serves about 35,000 Floridians with developmental disabilities of mental retardation, autism, cerebral palsy, spina bifida, and Prader-Willi syndrome. As of April 1, 2009, there were 18,793 individuals awaiting services. 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. The 2007 Legislature required APD to create four new Medicaid developmental disability waivers called tiers. All tiers, except Tier One, have per client annual expenditure limits on services: Tier Two is capped at \$55,000; Tier Three is capped at \$35,000; and Tier Four is capped at \$14,782. The four-tiered waiver system began implementation on October 15, 2009.

Due to funding limitations, APD maintains a statewide wait list of individuals who have requested Home and Community Based Services. Persons on the wait list are enrolled in the order they appear on the wait list. A person's position on the wait list is based on when Medicaid waiver eligibility was established. The only exceptions to this are individuals deemed to be in crisis and those children on the wait list who are from the child welfare system with an open case in the Department of Children and Family Services' statewide automated child welfare information system. These individuals are moved to

the top of the list regardless of when they were determined eligible, as required by Chapter 393, Florida Statutes.

The 2009 Legislature passed Chapter 2009-56, Laws of Florida, (SB 1660) to require APD to assign and provide priority to clients waiting for waiver services, beginning July 1, 2010. Individuals are to be assigned to categories one through seven based on priority and APD is authorized to adopt rules that specify the criteria associated with the wait list categories and procedures for administering the wait list.

**OBJECTIVE:**

The project will monitor the APD rule development process and associated criteria for the categories and procedures for administering the wait list.

**METHODOLOGY:**

Senate professional staff will meet periodically with representatives from APD to review, discuss and attend rule development workshops for prioritization of clients on the wait list. Staff will review APD documents used in the process for reasonableness, completeness, compliance with statutes, and legislative intent.

**INTERIM MONITOR PROJECT TITLE:**

*KidCare Enrollment*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-452

**ISSUE DESCRIPTION and BACKGROUND:**

Florida KidCare is the state's children's health insurance program for uninsured children under age 19. It includes four different program components: MediKids, Healthy Kids, Children's Medical Services and Medicaid. The 2009 Legislature passed Chapter 2009-55, Laws of Florida (SB 1658) to include mandatory provisions of the Children's Health Insurance Program Reauthorization Act of 2009 related to documentation of citizenship, mental health parity, dental services, and reimbursement of federally qualified health centers and rural health clinics. The March 16, 2009, Social Services Medicaid Impact Conference estimated these provisions would cost \$12.9m (\$4.1m GR). Surplus funds from the base appropriation, net of funding the 20,000 increased enrollment growth, have been identified to fund the projected costs for Fiscal Year 2009-2010.

Additionally, the 2009 Legislature passed Chapter 2009-113, Laws of Florida, (SB 918) that streamlines the KidCare application process by requiring the family income of applicants to be verified electronically. The bill removes administrative barriers to the KidCare program by: decreasing the period of time that a child is disenrolled from the KidCare program for nonpayment of premiums from 60 to 30 days; reducing the waiting period from 6 months to 60 days for KidCare eligibility for families that have voluntarily cancelled their employer-sponsored or private health insurance coverage; and increasing the number of "good cause" reasons that families can use to voluntarily cancel their health insurance coverage and be immediately eligible for KidCare coverage without a waiting period. The March 16, 2009, Social Services Medicaid Impact Conference estimated these optional provisions would cost \$15.1m (\$4.4m GR). These provisions are also to be funded from surplus funds and may reduce the estimated number of new children enrolled in the program in Fiscal Year 2009-2010.

**OBJECTIVE:**

This project will monitor the enrollment levels compared to the budgeted funds of the KidCare program.

**METHODOLOGY:**

Senate professional staff will meet periodically with KidCare program representatives and review and monitor implementation of program policy changes, monthly enrollment levels, and program expenditures.

**INTERIM MONITOR PROJECT TITLE:**

*Low Income Pool Funding Recommendations*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-453

**ISSUE DESCRIPTION and BACKGROUND:**

The Low-Income Pool (LIP) Council is established in s. 409.911, Florida Statutes. The council meets periodically throughout the year to develop funding and distribution recommendations for the LIP, Disproportionate Share Hospital (DSH), and Provider Ceilings Exemptions programs. The council is required to provide the recommendations by February 1 of each year to the Agency for Health Care Administration (agency), Governor, and the Legislature.

The programs under the councils' purview are financed with a combination of local and state funds that are utilized to draw down federal matching funds. This funding is used to benefit numerous hospitals and other providers for uncompensated care for the uninsured or under insured. The state match for the LIP and DSH programs is primarily funded by voluntary contributions from counties and local taxing districts through intergovernmental transfers (IGTs), the process of transferring public funds between government entities.

Specific Appropriation 171 of the Fiscal Year 2009-2010 General Appropriations Act includes proviso language that directs the agency to contract with an independent consultant to prepare recommendations on an equitable approach for the financing and distribution of funds for the low-income pool (LIP), disproportionate share hospital (DSH) program and adjustments to hospital outpatient and inpatients rates, rebased rates or otherwise exempt hospitals. The recommendations are to be submitted to the Executive Office of the Governor and Legislature within 15 days of the LIP Council submitting recommendations for the 2010-2011 fiscal year. In addition, proviso immediately following Specific Appropriation 190 of the Fiscal Year 2009-2010 General Appropriations Act appropriates "roll over" funds from Fiscal Year 2008-09 and directs the agency to seek an amendment to the Special Terms and Conditions of the Medicaid Reform demonstration to allow for the distribution of \$1 billion under the LIP program in the fifth year of the demonstration project (Fiscal Year 2010-2011). Currently, the LIP program is capped annually at \$1 billion with the fifth year capped at \$700 million if the program is not statewide.

The 2009 Legislature passed Chapter 2009-42, Laws of Florida (HB 285) that revised the membership of the LIP Council from 17 members to 24 members. The seven additional members include 2 members each appointed by the Speaker of the House of Representatives and the President of

the Senate, 1 member each representing federally qualified health centers, the Department of Health; and 1 nonvoting member from the agency that serves as the chair of the council. Further the bill, prohibits individuals who are registered lobbyists from serving as members of the council, with the exception of a full-time employee of a public entity.

**OBJECTIVE:**

The objective of this project is to monitor the distribution process for funding provided in the 2009-2010 fiscal year, the development of the 2010-2011 fiscal year recommendations by both the LIP council and the independent consultant, and the agency's progress on obtaining an amendment to the Medicaid Reform demonstration for the fifth year LIP program distribution cap.

**METHODOLOGY:**

Senate professional staff will attend meetings and conference calls conducted by the agency, the council, and other pertinent parties. Staff will review documentation and reports supporting the LIP council's and independent consultant's Fiscal Year 2010-2011 recommendations.

**INTERIM MONITOR PROJECT TITLE:**

*Maintenance Adoption Subsidies Growth*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-454

**ISSUE DESCRIPTION and BACKGROUND:**

The 2009 Legislature appropriated a total of \$27,419,907 for Maintenance Adoptions Subsidies, including \$14,155,729 to replace nonrecurring funds approved by the Legislative Budget Commission for Fiscal Year 08-09 and \$13,264,178 for an increase in the estimated number of adoption placements for Fiscal Year 2009-2010. There needs to be research and ongoing data analysis to determine why the increase in the number of adoptions has not caused a corresponding decrease in foster care placements. Professional staff will monitor and analyze child protection data, including child abuse and neglect reports, children in foster care and adoption placements.

**OBJECTIVE:**

The project will monitor and analyze foster care and adoption data to determine the reasons for the Adoption Subsidies Program growth and determine policy options that might be necessary to manage the foster care and adoption programs.

**METHODOLOGY:**

Senate professional staff will meet periodically with representatives from DCF, review adoption subsidy data and analyze adoption trends to determine compliance with legislative intent and determine options for policy development, including possible legislative changes.



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# HEALTH REGULATION

## Interim Projects

**INTERIM PROJECT TITLE:**

*Assisted Living Facility Licensure Review*

**DATE DUE:** October 1, 2009

**PROJECT NUMBER:** 2010-118

**ISSUE DESCRIPTION and BACKGROUND:**

Currently, there are 2771 licensed assisted living facilities (ALFs) in the state. In addition to a standard license, an ALF may also have specialty licenses, such as a limited mental health license, limited nursing services license, or extended congregate care license in order to provide more extensive services to a resident in a less restrictive setting than a nursing home. The ALF licensure structure and services that may be provided within that structure have been in place for several years. According to some, the licensure structure may not appropriately reflect advances in noninstitutional caregiving that might be available so that residents may age in place indefinitely or for a longer period of time in this less restrictive, more homelike, and less costly setting.

In addition, CS/CS/CS/SB 1986 (2009) repealed a provision requiring a physical examination of a resident and a medical review team to assess whether a resident is appropriately residing in an assisted living facility when the Agency for Health Care Administration (Agency) believes the resident requires services beyond the licensed capabilities of the facility. This repeal may trigger administrative uncertainty regarding a resident's placement.

**OBJECTIVE:**

The objective of this project is to determine whether changes in the ALF licensure schematic may be warranted to authorize more extensive services to be provided in an ALF in order to avoid more costly placement of residents in nursing homes. Other settings might be capable of providing needed services if the laws and licensure structure were modified to reflect medical advances, staffing changes, or alternate methods for providing services that could accomplish quality care for residents. Senate professional staff will provide recommendations to accomplish enhancements, if warranted.

**METHODOLOGY:**

Senate professional staff will seek input from nursing homes, ALFs, and their associations in the form of interviews or surveys to identify specific provisions that require the placement of a person in a nursing home despite the ability of an ALF to provide the needed services in a safe, competent, and medically appropriate manner. Senate professional staff will also work closely with the Agency to identify regulatory obstacles at the state and federal level that hinder the ability of ALFs to provide a continuum of services to their residents and review how other states license and regulate non-nursing home providers. Staff will work with interested parties and medical professionals to determine what revisions to the licensure provisions may be most appropriate.



**INTERIM PROJECT TITLE:**

***Review of the Regulation of Blood Banks***

**DATE DUE:** December 1, 2009

**PROJECT NUMBER:** 2010-119

**ISSUE DESCRIPTION and BACKGROUND:**

The blood supply plays a critical role in our health care system. The United States Food and Drug Administration (FDA) is responsible for ensuring the safety of our nation's blood supply. The FDA regulates the collection of blood and blood components used for transfusion or for the manufacture of pharmaceuticals derived from blood and blood components, such as clotting factors, and establishes standards for the products themselves. The FDA may exercise the right to preempt local law if the law is overly restrictive and threatens the supply of blood products.

Section 381.06014, Florida Statutes, defines blood establishment to mean any person, entity, or organization, operating within Florida which examines an individual for the purpose of blood donation or which collects, processes, stores, tests, or distributes blood or blood components collected from the human body for the purpose of transfusion, for any other medical purpose, or for the production of any biological product. Any blood establishment operating in Florida must comply with specified provisions of federal law enforced by the FDA. The Agency for Health Care Administration or any state attorney may also bring an action for an injunction to restrain operations of a blood bank that are not consistent with the federal requirements.

A recent newspaper article exposed common business arrangements that are made between blood banks and the employers of members of their board of directors. Some business consultants believe that such arrangements are potential conflicts of interests. Concerns have also been raised about whether there is sufficient market competition to ensure fair market prices for blood bank products.

**OBJECTIVE:**

The report will review the regulation of blood banks, market competition, and pricing of blood products from the perspective of safeguarding the public health and minimizing the opportunities for fraudulent or unwholesome activities in this industry. The Senate professional staff will recommend any needed changes in state regulation to help ensure a safe and adequate supply of blood or blood components.

**METHODOLOGY:**

The Senate professional staff will research applicable federal and state law regulating blood banks, including any regulations regarding business arrangements, market competition, and pricing of blood products. The Senate professional staff will meet with the Agency for Health Care Administration and other interested stakeholders.

**INTERIM PROJECT TITLE:**

*Supplemental Medicaid Payments*

**DATE DUE:** December 15, 2009

**PROJECT NUMBER:** 2010-120

**ISSUE DESCRIPTION and BACKGROUND:**

There are several federal/state programs that provide supplemental Medicaid payments to ensure access to hospital inpatient and specialty care for more than 2.3 million Medicaid recipients and access to primary care and safety net hospitals for the over 3.7 million uninsured. These programs include disproportionate-share hospital programs and the low-income pool (LIP).

Chapter 2005-133, Laws of Florida, authorized the Agency for Health Care Administration to apply for a Medicaid managed care reform waiver that included changes to the Medicaid supplemental funding programs for hospitals. The Medicaid reform waiver created the LIP as the primary supplemental funding source for Medicaid-participating hospitals and other Medicaid providers. The LIP program authorizes supplemental Medicaid payments to provider access systems, such as federally qualified health centers, county health departments, and hospital primary care programs, to cover the cost of providing services to Medicaid recipients, the uninsured, and the underinsured.

The Special Terms and Conditions document for Medicaid reform describes in detail the LIP. The LIP consists of a federal allocation capped at \$1 billion for each year of the five-year Medicaid reform demonstration period. In order for Florida to access the total annual \$1 billion annual allocation of LIP funds, the Special Terms and Conditions outline milestones that must be met by the state for each year of the Medicaid reform demonstration project. In demonstration year five, \$300 million of the LIP funds provided by the Federal Government is contingent on the operation of the Medicaid Reform demonstration statewide. The fourth year of the Medicaid reform demonstration begins July 1, 2009. The Legislature has not authorized the expansion of the Medicaid reform demonstration project. Section 17 of CS/CS/CS/SB 1986 requires the Agency for health Care Administration to convene a workgroup to explore medical home networks as an alternative structure for Medicaid service delivery. The networks could potentially receive supplemental Medicaid payments under the current LIP program.

The FY 2009-2010 General Appropriations Act, authorizes the Agency for Health Care Administration to apply for an amendment to the Medicaid reform waiver so the state can receive the \$300 million in federal LIP funds without statewide expansion of the Medicaid managed care demonstration project.

**OBJECTIVE:**

The project will determine: the status of state supplemental Medicaid payment programs, including LIP and the disproportionate-share hospital programs; the evolution of Medicaid supplemental payment policy over the last five years; the distribution of Medicaid supplemental payments under the LIP program; and the Medicaid supplemental payment financing and policy options available to the state, including utilizing supplemental Medicaid payments as part of a Medicaid medical home network.

**METHODOLOGY:**

Senate professional staff will review the federal and state laws and Medicaid waivers that have governed Medicaid supplemental payments over the last five years, including the upper-payment limit, disproportionate-share hospital, and LIP programs. Senate professional staff will attend LIP Council meetings, meet with interested stakeholders, and interview the Agency for Health Care Administration staff responsible for administering supplemental Medicaid payments. In addition, staff will monitor the development, submission, and status of federal approval of the Medicaid reform waiver amendment. Senate professional staff will collaborate with the Senate Health and Human Services Appropriations Committee to complete this project.

## Mandatory Reviews

**INTERIM MANDATORY REVIEW TITLE:**

*Biomedical Research Programs – Performance, Outcomes, and Financial Management*

**DATE DUE:** September 1, 2009

**PROJECT NUMBER:** 2010-219

**ISSUE DESCRIPTION and BACKGROUND:**

Chapter 2006-182, Laws of Florida, provided funding to support grants for biomedical research with the anticipation that sustained funding for biomedical research over a period of years will lead to an alleviation of human suffering from diseases such as cancer and Alzheimer’s disease. Initially, funding was provided for grants and other research activities to the James and Esther King Biomedical Research Program; the Johnnie B. Byrd, Sr., Alzheimer’s Center and Research Institute (Byrd Institute); and the William G. “Bill” Bankhead, Jr., and David Coley Cancer Research Program (Bankhead-Coley Program), which was established in ch. 2006-182, L.O.F. The Byrd Institute did not receive specific funding through the Legislature in fiscal years 2008-2009 and 2009-2010, although it was reenacted and the review of the Byrd institute was repealed in CS/CS/SB 1696 during the 2009 Legislative Session.

The 2006 law directed the Legislature to review the performance, the outcomes, and the financial management of the James and Esther King Biomedical Research Program and the Bankhead-Coley Program during the 2010 Regular Session of the Legislature and determine the most appropriate funding source and means of funding these programs based on this review. The two sections of law governing these programs, ss. 215.5602 and 381.922, F.S., are scheduled to expire on January 1, 2011, unless reviewed and reenacted by the Legislature before that date.

**OBJECTIVE:**

The objective of this review is to assess the performance, outcomes, and financial management of the James and Esther King Biomedical Research Program and the Bankhead-Coley Program in accordance with the stated legislative intent and objectives of the programs since July 1, 2006, and recommend methods of funding these programs.

**METHODOLOGY:**

Senate professional staff will review the legislative history of the two programs; sources and amounts of public and private donations, financing, or funding; goals and objectives of the programs; grants that were awarded through the programs and the other uses of monies received since enactment of

ch. 2006-182, L.O.F.; and accomplishments and progress made in furtherance of the research and other objectives of each program. Professional staff will also review the legislatively mandated annual reports prepared by each of the programs and internal documents related to activities and financial management of each program. Professional staff will interview appropriate Department of Health staff and persons associated with each program, and conduct appropriate research concerning the relevant activities and funding alternatives.

**INTERIM MANDATORY REVIEW TITLE:**

***Open Government Sunset Review of Section 383.412, F.S., Child Abuse Death Review Committees***

**DATE DUE:** September 1, 2009

**PROJECT NUMBER:** 2010-220

**ISSUE DESCRIPTION and BACKGROUND:**

Section 383.402, F.S., establishes the State Child Abuse Death Review Committee and local child abuse death review committees within the Department of Health. The committees must review the facts and circumstances of all deaths of children from birth through age 18 which occur in this state as the result of verified child abuse or neglect.

Section 383.412, F.S., makes any information that would reveal the identity of the surviving siblings, family members, or others living in the home of a deceased child who is subject of review by, and which information is held by, the State Child Abuse Death Review Committee or local committee, or a panel or committee assembled by the state committee or a local committee confidential and exempt from the Public Records Law. All information that is confidential or exempt from public records requirements by operation of law and that is obtained by the child abuse death review committees or panels retains that confidential status and is exempt from the Public Records Law.

Section 383.412, F.S., also makes portions of meetings of the State Child Abuse Death Review Committee or local committee at which confidential and exempt information is discussed exempt from the Public Meetings Law. The State Child Abuse Death Review Committee and local committees may share with each other any relevant information regarding case reviews involving child death which is made confidential and exempt under the Public Records Law.

These exemptions are set to be repealed on October 2, 2010, unless they are reviewed and saved from repeal through reenactment by the Legislature.

**OBJECTIVE:**

To determine if the exemptions from the Public Records and Meetings Laws contained in s. 383.412, F.S., should be continued or modified under the criteria specified in the Open Government Sunset Review Act.

**METHODOLOGY:**

Senate professional staff will review the provisions and applicable law according to the criteria specified in the Open Government Sunset Review Act. Senate professional staff will seek input from the Department of Health, other state and local agencies, and other interested stakeholders to determine if

any aspects of s. 383.412, F.S., should be revised and whether the exemptions should be saved from repeal through reenactment.

## Issue Briefs

**INTERIM ISSUE BRIEF TITLE:**

*Regulation and Insurance Coverage of Clinical Trials*

**DATE DUE:** September 15, 2009

**PROJECT NUMBER:** 2010-318

**ISSUE DESCRIPTION and BACKGROUND:**

Clinical trials are research studies on patients to test the safety and effectiveness of new medical treatments. Some clinical trials offer patients access to new and potentially lifesaving drugs and cures. Particularly for patients with cancer, clinical trials are often the last resort, after all other means of standard treatment have been attempted. Trials are conducted in four phases ranging from the most experimental Phase I clinical trials to Phase IV clinical trials that determine long-term treatment effects of certain standard medical treatment protocols.

A patient must meet the clinical-trial-specific eligibility requirements prior to enrolling in a clinical trial. Once enrolled, the trial sponsor usually covers the cost of tests, procedures, drugs and any research activity directly associated with the investigation but does not usually pay for *routine patient care*, such as doctor visits, tests, and x-rays. If a health insurance policyholder is enrolled in a clinical trial, some plans limit or deny coverage for trial related *routine patient care*. Several states have addressed gaps in coverage by passing legislation that requires health insurers to cover the *routine patient care* of policyholders enrolled in clinical trials. Other states have mandated health insurance coverage for all clinical trials, including clinical trials that do not provide reimbursement for trial related medical procedures and any clinical trial associated *routine patient care*.

**OBJECTIVE:**

The issue brief will provide an overview of clinical trials, including: how clinical trials are regulated, how clinical trials are funded, institutional review board (IRB) requirements and regulations; Medicare, Medicaid, and state children's health insurance coverage for clinical trials; and a comparison of state laws that address health insurance coverage for clinical trials. In addition, the brief will describe the extent to which private health insurers in Florida provide clinical trial coverage including coverage of *routine medical care* associated with a clinical trial.

**METHODOLOGY:**

Senate professional staff will review the federal and state laws that govern the regulation of clinical trials. Senate professional staff will review the extent to which the regulation of clinical trials is pre-empted to the Federal Government, and review Florida and other states' laws relating to the regulation of clinical trials. Senate professional staff will review laws in Florida and other states that govern the availability of insurance coverage of clinical trials and clinical-trial related expenses. In addition, Senate professional staff will interview Agency for Health Care Administration and Office of Insurance Regulation staff, representatives of Florida health insurers, consumer advocacy groups, and other stakeholders to determine the extent clinical trials are conducted in Florida and the extent of clinical trial

insurance coverage in Florida. The Health Regulation Committee staff will collaborate with the Banking and Insurance Committee staff.

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**  
*Federal Health Care Reform*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-455

**ISSUE DESCRIPTION and BACKGROUND:**

One of President Obama's key pledges to the American people for his administration is health care reform. He has placed health care reform alongside education and energy reforms as central pillars of his economic recovery plan. Health care reform encompasses several facets, such as: the health care delivery system, which includes public payment to providers and promoting quality, efficiency, and chronic care management; affordable health care insurance for all; information technology and infrastructure investments; and combating fraud, waste, and abuse in the health care system.

The first significant piece of legislation under the Obama administration related to health care reform is included in the American Recovery and Reinvestment Act of 2009. This act provides a framework for the long-term implementation of this legislation. As seen with this legislation, new laws or revisions to existing laws in the state of Florida had to be enacted in order to access funding made available through this act and to initiate a path for certain reforms targeted in this act.

The Congress of the United States, in several committees in both houses, is studying and proposing additional reforms in the health care system that will impact this state. It is anticipated that a series of laws will be debated and passed over the next few years to accomplish the President's objectives to reform health care in this country.

**OBJECTIVE:**

The objective of this monitoring project is to stay abreast of developments concerning health care reform at the federal level in order to provide the Senate with relevant information to assist in decision-making and potential legislation at the state level.

**METHODOLOGY:**

Senate professional staff will monitor Congressional action and regulatory implementation regarding health care reform. Senate professional staff will also review recommendations, strategies, and commentary published by renowned experts, think tanks, committees, commissions, and similar entities that are relevant to Florida's concerns for health care in this state.

**INTERIM MONITOR PROJECT TITLE:**

*Health Care Fraud*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-456

**ISSUE DESCRIPTION and BACKGROUND:**

Health care fraud is a pervasive problem for all private payors, states, and the Federal Government. The National Health Care Anti-Fraud Association estimates conservatively that 3 percent of all health care spending, approximately \$68 billion, is lost to health care fraud. The FBI estimates that spending related to health care fraud is much higher – 10 percent of all health care spending. Numerous federal reports and studies have identified health care fraud as a significant public policy problem in Florida, particularly South Florida. The state’s diminishing revenues and rising health care costs increase the importance of Medicaid fraud prevention and recovery.

The Florida Legislature has repeatedly addressed the issue of Medicaid fraud by passing several major bills over the last decade to more effectively combat Medicaid fraud. During the 2009 Session, fraud in the health care system was addressed in CS/CS/CS/SB 1986, CS/CS/SB 2658, and CS/SB 1658. These pieces of legislation increase the Medicaid program’s authority to address fraud, particularly as it relates to home health services; increase health care facility and health care practitioner licensing standards to keep fraudulent actors from obtaining a health care license in Florida; create disincentives to commit Medicaid fraud; create incentives to report Medicaid fraud; and specifically address Medicaid fraud in Miami-Dade County.

**OBJECTIVE:**

The focus of this project is to track the implementation of all legislation that passed during the 2009 Session that addressed health care fraud, including any rule-development, contract procurements, and any fraud-related Medicaid waiver applications or state plan amendments.

**METHODOLOGY:**

Senate professional staff will meet regularly with staff of the Agency for Health Care Administration, the Department of Health, and the Attorney General’s Office responsible for the implementation of any legislation that addressed health care fraud during the 2009 Session; attend relevant rule-development hearings, health care practitioner board meetings, and other public meetings; and identify any barriers to implementation. Senate professional staff will also monitor federal and state health care fraud reports and studies that address health care fraud in Florida, particularly as it relates to Medicaid fraud.

**INTERIM MONITOR PROJECT TITLE:**

*Implementation of Legislation Relating to Prescription Drugs*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-457

**ISSUE DESCRIPTION and BACKGROUND:**

During 2009, the Legislature passed a bill that requires the Department of Health (DOH), by December 1, 2010, to design and establish a comprehensive electronic system to monitor the prescribing and dispensing of certain controlled substances. When the direct support organization authorized in the bill receives at least \$20,000 in nonstate moneys or the state receives at least \$20,000 in federal grants for the prescription drug monitoring program, the DOH, in consultation with the Office of Drug Control, must adopt rules to implement the system.

The legislation requires each physician who practices in a privately-owned pain management facility that primarily engages in the treatment of pain by prescribing narcotic medications to register the facility with the DOH, unless it is a Florida-licensed hospital, ambulatory surgical center, or mobile surgical facility. The bill creates an exemption to the registration requirements for pain management clinics, to be enforced by the Board of Medicine or the Board Osteopathic Medicine, as applicable, for a privately owned clinic, facility, or office that advertises in any medium for any type of pain management services or employs one or more physicians who are primarily engaged in the treatment of pain by prescribing or dispensing controlled substances if the majority of the physicians who provide services in the clinic, facility, or office primarily provide surgical services.

**OBJECTIVE:**

To monitor the meetings and other activities of the DOH, the Office of Drug Control, the Program Implementation and Oversight Task Force, and other stakeholders in the implementation of the prescription drug monitoring system and the regulation of certain pain management facilities.

**METHODOLOGY:**

Senate professional staff will review grant applications and other funding requests for the electronic monitoring system, monitor the establishment of the direct support organization, and review proposed rules relating to the electronic monitoring system and the registration and regulation of pain management clinics. Senate professional staff will attend meetings of the DOH, or the Office of Drug Control, as applicable.





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# HIGHER EDUCATION

## Interim Projects

(None)

## Mandatory Reviews

**INTERIM MANDATORY REVIEW TITLE:**

*Open Government Sunset Review of Section 1004.43(8)10. and 12., F.S., H. Lee Moffitt Cancer Center and Research Institute Trade Secrets and Information Exempt or Confidential Under the Laws of Another State, Nation, or the Federal Government*

**DATE DUE:** September 1, 2009

**PROJECT NUMBER:** 2010-221

**ISSUE DESCRIPTION and BACKGROUND:**

The Legislature enacted a public records disclosure exemption for information held by the H. Lee Moffitt Cancer Center and Research Institute. The exemption in s. 1004.43(8)10. and 12., F.S., applies to information relating to methods of manufacture, potential trade secrets, potentially patentable material; reimbursement methodologies and rates; and information that is otherwise exempt under Florida law or under the laws of the state or nation from which a person provided the information to the institute. In accordance with the Open Government Sunset Review Act, the exemption sunsets on October 2, 2010, unless reenacted by the Legislature.

**OBJECTIVE:**

The purpose of the project is to review, using the standards provided in the Open Government Sunset Review Act, the public records exemption to assist the Legislature in determining whether the exemption should be reenacted, revised, or eliminated.

**METHODOLOGY:**

Senate professional staff will review the exemption under the Open Government Sunset Review Act, examine the use of the public records exemption, and evaluate the records protected from public disclosure.

**INTERIM MANDATORY REVIEW TITLE:**

*Open Government Sunset Review of Section 1005.38(6)(b), F.S., Commission for Independent Education*

**DATE DUE:** September 1, 2009

**PROJECT NUMBER:** 2010-222

**ISSUE DESCRIPTION and BACKGROUND:**

The Legislature enacted a public records disclosure exemption for investigatory records held by the Commission for Independent Education (CIE). Additionally, the exemption from public disclosure

applies to the portion of CIE meetings in which exempt records are discussed. The exemption, as provided in s. 1005.38(6)(b), F.S., is limited to a maximum of 10 days following the determination of probable cause. In accordance with the Open Government Sunset Review Act, the exemption sunsets on October 2, 2010, unless reenacted by the Legislature.

**OBJECTIVE:**

The purpose of the project is to review, using the standards provided in the Open Government Sunset Review Act, the public records and public meetings exemption to assist the Legislature in determining whether the exemptions should be reenacted, revised, or eliminated.

**METHODOLOGY:**

Senate professional staff will review the exemption under the Open Government Sunset Review Act, examine the use of the public records and public meetings exemption, and evaluate the records and meetings protected from public disclosure.

## Issue Briefs

**INTERIM ISSUE BRIEF TITLE:**

*Review of Changes in State and Federal Student Financial Assistance Programs*

**DATE DUE:** September 15, 2009

**PROJECT NUMBER:** 2010-319

**ISSUE DESCRIPTION and BACKGROUND:**

The state provides needs-based and merit-based financial aid to students through a number of separate programs. Recently, there have been significant changes to state and federal student financial aid programs for students in public and private postsecondary institutions. The cost of enrolling in these institutions is expected to increase, while the amount of financial aid may be affected by budget uncertainties at the state and federal level. These programs should be reviewed to examine the effect of these changes on students.

**OBJECTIVE:**

To provide an overview of changes in federal and state student financial aid programs; to catalog the current status of the state financial aid and tuition assistance programs; and to provide demographic information regarding the recipients of state-provided financial assistance.

**METHODOLOGY:**

Senate professional staff will:

- Consult with staff of the Department of Education and university financial aid officers regarding the effect of recent changes in federal and state financial aid programs;
- Gather demographic data regarding the recipients of state-provided financial aid;
- Research the current status of merit-based scholarships in other states; and
- Review the funding history and participation in the state-funded programs established in ss. 1009.40 – 1009.891, F.S.

## **Monitor Projects**

*(None)*



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# HIGHER EDUCATION APPROPRIATIONS

## Interim Projects

**INTERIM PROJECT TITLE:**

*Report on the Impact of the General Appropriations Act on Public Post-secondary Education*

**DATE DUE:** October 1, 2009

**PROJECT NUMBER:** 2010-121

**ISSUE DESCRIPTION and BACKGROUND:**

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

**OBJECTIVE:**

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, professional staff will work with Department of Education and Board of Governors staff as allocations of state appropriations to various institutions are made. These allocations will be checked for consistency with the General Appropriations Act as the post-session book is prepared.

## Mandatory Reviews

*(None)*

## Issue Briefs

*(None)*

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*University Health Services, Third Party Billing, and Mandatory Student Health Insurance*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-458

**ISSUE DESCRIPTION and BACKGROUND:**

The General Appropriations Act requires the Board of Governors to assist the Office of Program Policy Analysis and Government Accountability (OPPAGA) in a review of best practices for student health policies at universities. OPPAGA shall provide a report to the Legislature by December 1, 2009. The report shall include findings and recommendations relating to: the efficacy of mandatory health insurance; the cost effectiveness and efficiency of third party billing for student health services on university campuses; and the fees charged for health services provided by university health centers in the State University System.

Senate Bill 1696, the Higher Education Budget Conforming Bill, also prohibits the establishment of new mandatory student health insurance policies at state universities until the completion of this study.

**OBJECTIVE:**

This interim project will monitor the study and respond to any queries from the Board of Governors or OPPAGA as the study progresses and findings and recommendations are developed.

**METHODOLOGY:**

Professional staff will respond to questions on the intent and background of the proviso and monitor the meetings, discussions, and recommendations of the BOG and OPPAGA staff.

**INTERIM MONITOR PROJECT TITLE:**

*University Medical Schools Funding Methodology*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-459

**ISSUE DESCRIPTION and BACKGROUND:**

The General Appropriations Act requires the Board of Governors to develop a funding methodology for a consistent base level of state support on a per-student basis for each 4-year Doctor of Medicine degree program offered by a state university. The Board of Governors shall work with OPPAGA and representatives from each 4-year Doctor of Medicine degree program to develop the methodology. As part of the development of the funding methodology, the Board of Governors shall: (1) Review national data on the costs associated with 4-year Doctor of Medicine degree programs offered by public universities. (2) Determine a base-level cost per student that excludes supplemental costs or startup costs. (3) Determine supplemental costs and startup costs that are in addition to the base-level cost per student and that support the unique mission of a degree program or support the implementation of new 4-year Doctor of Medicine degree programs. (4) Determine a uniform reporting procedure for the consistent annual reporting of expenditures and outcome data for 4-year Doctor of Medicine degree programs. The

Board of Governors shall submit a report on the funding methodology to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than February 1, 2010.

**OBJECTIVE:**

This interim project will monitor the study and respond to any queries from the Board of Governors or OPPAGA as the study progresses and findings and recommendations are developed.

**METHODOLOGY:**

Professional staff will respond to questions on the intent and background of the proviso and monitor the meetings, discussions, and recommendations of the BOG and OPPAGA staff.





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# JUDICIARY

## Interim Projects

**INTERIM PROJECT TITLE:**

*Regulation of Assisted Reproductive Technologies*

**DATE DUE:** November 1, 2009

**PROJECT NUMBER:** 2010-122

**ISSUE DESCRIPTION and BACKGROUND:**

Infertility affects approximately 12 percent of the reproductive-age population in the United States. The advancement of scientific technology over the years has provided infertile couples with a variety of options, including in vitro fertilization, embryo transfer, and surrogacy. Recently, there has been some discussion in the legal community that the practices associated with assisted reproductive technology, specifically surrogacy, are being “commercialized” or are in need of other regulation. For example, it has been suggested that some unregulated agencies are taking advantage of infertile couples by requiring large payments to compensate a surrogate or a doctor, but keeping the money without fulfilling the agency’s end of the bargain, such as providing a surrogate or an egg or sperm donor. Neither the federal government nor the United States Supreme Court has regulated or addressed the issue of surrogacy. Instead, surrogacy is regulated among the states through either legislative action or court decisions.

In Florida, egg, sperm, and preembryo donors and gestational surrogacy are regulated by ch. 742, F.S., relating to determination of parentage. Section 742.14, F.S., provides that the donor of any egg, sperm, or preembryo, with certain exceptions, shall relinquish all maternal or paternal rights and obligations relating to the donation or any resulting children. Additionally, s. 742.15, F.S., governs gestational surrogacy contracts and provides that the gestational surrogate must be 18 years of age or older, and the commissioning couple must be legally married and both be at least 18 years old. During the 2009 Regular Session, SB 2640 attempted to address the “brokering” of various forms of assisted reproductive technology by providing that, except for an attorney, a person may not charge or accept compensation of any kind for making a referral relating to an egg, sperm, or preembryo donor or to a gestational surrogate. However, the bill died in the Committee on Rules.

**OBJECTIVE:**

The purpose of this interim project is to review current practices, as well as case law, statutes, and legal scholarship, associated with assisted reproductive technology in Florida and other jurisdictions to evaluate potential changes to Florida law regarding assisted reproductive technologies in order to help avoid abuse related to the “commercialization” of these practices and to identify other potential regulations Florida may wish to adopt.

**METHODOLOGY:**

In addition to multi-state case law, statutory, and other legal research, this project will entail consulting with scholars, family law practitioners, and others with an interest in the issue of assisted reproductive technology.

**INTERIM PROJECT TITLE:**

***Review of Requirements for Acquiring Title to Real Property through Adverse Possession***

**DATE DUE:** October 1, 2009

**PROJECT NUMBER:** 2010-123

**ISSUE DESCRIPTION and BACKGROUND:**

In Florida, if a person continuously occupies a parcel of real property for seven consecutive years, even without any legal document to validate a claim to the property, the person may acquire ownership of the property via adverse possession. The person must first file an adverse possession return with the county property appraiser within one year of entry onto the property. The person must also pay all assessed property taxes and liens during the period of occupancy. Finally, the person asserting an adverse possession claim must demonstrate that he or she has cultivated or improved the land in some manner or protected the land subject to the claim by a substantial enclosure (i.e., a fence). A person may make an adverse possession claim even if he or she has actual knowledge that the property in question belongs to another.

Some landowners in Florida have expressed concern that certain landowners are abusing the current adverse possession laws to gain title to adjoining properties and that the burden to overcome these claims unfairly rests with the property owner of record. Adjoining landowners may file numerous adverse possession returns on several adjoining properties and pay property taxes on those properties in an attempt to claim title to the property by adverse possession. In some cases, the property owner may not receive notice that a claim of adverse possession has been filed on his or her property. Several clerks of court and property appraisers have also reported that this practice is a problem, as well as other practices in which fraudulent deeds are filed claiming legal title to real property.

Current law does not guarantee the record landowner the first opportunity to pay the taxes on his or her property. As a result, the property tax bills are often paid by the person claiming adverse possession before the property owner receives the tax bill. Regardless of whether the claim for adverse possession is valid, simply filing the adverse possession return with the property appraiser may cloud title to the property. In order to quiet title after the adverse possession filing, a property owner must either persuade the filer to voluntarily withdraw the adverse possession claim or file a civil action to quiet title to the property. The current laws governing adverse possession claims may be conducive to abuse of the adverse possession process in Florida.

Other states have examined the adverse possession process and have determined that statutory changes were necessary to discourage abuse and to make holistic reforms to the adverse possession framework for the benefit of all landowners. More specifically, the Colorado and New York legislatures have adopted legislation to reform the adverse possession process in each state.

**OBJECTIVE:**

The purpose of this interim project is to review the case law, statutes, and legal scholarship in Florida and other states regarding the application of adverse possession to identify opportunities to discourage abuse of the adverse possession process and to examine the adverse possession framework in its entirety for potential enhancements. In addition, the report may identify any other practices related to fraudulent transfers of title to real property.

**METHODOLOGY:**

Senate professional staff will consult with property appraisers, clerks of court, judges, practicing real property attorneys, interested landowners, and other legal experts to understand and evaluate the practical and legal ramifications of the current adverse possession framework in Florida. Professional staff will identify any problems associated with this process, as well as potential improvements to the process for landowners subject to adverse possession claims, as well as landowners asserting valid adverse possession claims. As part of its research, professional staff will also review legal literature and relevant case law, as well as adverse possession statutes in other states.

**INTERIM PROJECT TITLE:**

*Tenants' Rights in Foreclosure Actions*

**DATE DUE:** October 1, 2009

**PROJECT NUMBER:** 2010-124

**ISSUE DESCRIPTION and BACKGROUND:**

A foreclosure action is a lawsuit filed by a lender when the borrower has failed to make the payments on the loan. The lender asks the court to sell the property so that the lender can recover the missed payments or the whole balance due on the loan. The Office of the State Courts Administrator (OSCA) reports that foreclosure filings in Florida doubled from FY 2005-2006 to FY 2006-2007 and nearly tripled from FY 2006-2007 to FY 2007-2008.

Once the foreclosure action is filed, parties to the action must be served. When a property subject to foreclosure is being rented, service of the proceedings is often made on a "Jane or John Doe" at the address of the property in addition to the borrower. Once the foreclosure lawsuit is filed, a tenant's rights are limited. If the property is sold at auction, a writ of possession is entered, which requires the tenant to vacate the premises. A tenant's options before a writ of possession is entered can include moving out before an eviction or delaying the foreclosure process by filing a motion to delay the auction.

During the 2009 Regular Session, Senate Bill 1646 addressed tenants' rights in foreclosure actions. The bill reflected input from Florida Legal Services, the Florida Bankers Association, the Real Property and Probate Property Section of The Florida Bar, and several other interested parties. The bill addressed notice to tenants during the judicial sales procedure, return of deposit monies, and landlord disclosure to prospective tenants when there is a pending foreclosure action. Although the bill died in committee, the issues related to tenants' rights in foreclosure actions continue.

Other bills were also introduced during the 2009 Regular Session which addressed issues related to tenants' rights in foreclosure actions not included in the language of Senate Bill 1646. The issues included requiring a landlord to notify tenants when there will be a short sale, a damages-and-civil-penalty provision when landlords fail to comply with notice requirements to tenants, and protection of a tenant's credit rating when a tenant is evicted due to a foreclosure proceeding. Meanwhile, a number of foreclosure-related initiatives also have been considered or a being implemented at the federal level.

**OBJECTIVE:**

The purpose of this interim project is to research problems tenants' face when dealing with foreclosure actions, to review how other states are handling landlord-tenant issues in the foreclosure context, and to propose legislative options. The project will also assess federal proposals or enactments that may affect tenants' rights in foreclosure actions and identify any policy gaps that could be filled through state legislation.

**METHODOLOGY:**

In addition to multistate case law, statutory, and other legal research, this project will entail meeting with interested parties and real property scholars who can assist in proposals for future legislative action.

## Mandatory Reviews

**INTERIM MANDATORY REVIEW TITLE:**

*Open Government Sunset Review of Section 119.071(4)(d)6., F.S., Guardians Ad Litem*

**DATE DUE:** September 1, 2009

**PROJECT NUMBER:** 2010-223

**ISSUE DESCRIPTION and BACKGROUND:**

The Florida Guardian Ad Litem Program is a partnership of community advocates and professional staff acting on behalf of Florida's abused and neglected children. A guardian ad litem is a volunteer appointed by the court to protect the rights and advocate the best interests of a child involved in a court proceeding. As of September 2007, there were more than 32,400 children represented by the Guardian Ad Litem Program. There are approximately 6,750 certified volunteers in the Guardian Ad Litem Program. Subparagraph 6. of s. 119.071(4)(d), F.S., provides that specified personal information relating to current or former guardians ad litem is exempt from disclosure under constitutional and statutory public-records requirements. The information covered by the public-records exemption includes:

- Their home addresses, telephone numbers, places of employment, and photographs; and
- The home addresses, telephone numbers, places of employment, and photographs of their spouses and children.

The public-records exemption is conditioned upon the guardian ad litem submitting a written statement that he or she has made reasonable efforts to protect the covered information from being disclosed through other means available to the public. The exemption stands repealed on October 2, 2010, unless saved from repeal by the Legislature after review under the Open Government Sunset Review Act in accordance with s. 119.15, F.S.

**OBJECTIVE:**

Under the Open Government Sunset Review Act, s. 119.15, F.S., public-records exemptions are subject to repeal five years after their enactment unless reviewed and saved from repeal by the Legislature under the standards prescribed in the act. The objective of this mandatory review is to evaluate the public-records exemption for personal information of guardians ad litem under those standards and recommend whether the Legislature should retain the exemption.

**METHODOLOGY:**

Senate professional staff will review the public-records exemption under the standards of the Open Government Sunset Review Act based on input solicited from guardians ad litem, the First Amendment Foundation, and other interested parties.

**INTERIM MANDATORY REVIEW TITLE:**

*Open Government Sunset Review of Section 390.01116, F.S., Parental Notice of Abortion Act*

**DATE DUE:** September 1, 2009

**PROJECT NUMBER:** 2010-224

**ISSUE DESCRIPTION and BACKGROUND:**

Adopted by Florida voters in 2004, article X, section 22 of the State Constitution authorizes the Legislature to require notification of a parent or guardian before the termination of a minor's pregnancy. The Legislature responded in 2005 by enacting the Parental Notice of Abortion Act, s. 390.01114, F.S. Under the act, a physician must notify a parent or legal guardian – in person or by telephone – at least 48 hours before performing or inducing the termination of a minor's pregnancy. The act, however, authorizes a minor to petition the circuit court for a waiver of the notice requirements. The minor may file the petition using a pseudonym or initials. Proceedings are expedited, and the court generally shall rule within 48 hours of the petition filing. If the court finds evidence of child abuse or sexual abuse of the minor by one or both of her parents or her guardian, or that notification is not in the minor's best interests, the court shall issue an order authorizing the minor to consent to the abortion without notification to the parent or guardian. The act directs the court to provide for a written transcript of all testimony and proceedings and to issue written and specific factual findings and legal conclusions supporting its decision. An expedited appeal is available for a minor denied a waiver of notice by the circuit court.

At the time it enacted the Parental Notice of Abortion Act, the Legislature also created a public-records exemption related to the court procedures. Specifically, s. 390.01116, F.S., provides that any information in a record held by the circuit court or an appellate court which could be used to identify the minor who petitions for a waiver of the notice requirement is confidential and exempt from the statutory and constitutional requirements related to public records. This public-records exemption stands repealed on October 2, 2010, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act.

**OBJECTIVE:**

Under the Open Government Sunset Review Act, s. 119.15, F.S., public-records exemptions are subject to repeal five years after their enactment unless reviewed and saved from repeal by the Legislature under statutorily prescribed standards. The objective of this mandatory review is to evaluate the exemption for the identification of a minor who seeks a court waiver from the requirement for notification of a parent or guardian before termination of her pregnancy. The review will evaluate the public-records exemption using the standards prescribed in the Open Government Sunset Review Act and recommend whether the Legislature should retain the exemption.

**METHODOLOGY:**

Senate professional staff will review the public-records exemption under the standards of the Open Government Sunset Review Act based on input solicited from the courts, the First Amendment Foundation, and other interested parties.

## Issue Briefs

**INTERIM ISSUE BRIEF TITLE:**

*Legal Challenge Related to the Judicial Nominating Process*

**DATE DUE:** September 15, 2009

**PROJECT NUMBER:** 2010-320

**ISSUE DESCRIPTION and BACKGROUND:**

When there is a vacancy in a judgeship to which election for retention applies, the State Constitution directs the Governor to fill the vacancy by appointing one person from no fewer than three and no more than six persons nominated by a judicial nominating commission. The commission shall offer recommendations within 30 days of the vacancy, unless the period is extended for no more than 30 days by the Governor, and the Governor shall make the appointment within 60 days of receiving the nominations.

Article V, section 11 of the Constitution provides for a separate judicial nominating commission, as provided by general law, for the Supreme Court, each district court of appeal, and each judicial circuit for all trial courts in the circuit. The Legislature has provided for the membership of each judicial nominating commission, including four members of The Florida Bar appointed by the Governor from nominees recommended by the Board of Governors of the Bar, and five members appointed by the Governor, at least two of whom are members of the Bar.

The Governor and a judicial nominating commission currently are engaged in a stalemate regarding a vacancy on the Fifth District Court of Appeal. A judicial nominating commission sent the Governor six names in November 2008. In December, however, the Governor rejected the list because it did not include any African American nominees. The Governor requested that the commission submit another list. The commission reconvened but sent the same list of names. As of June 9, 2009, the Governor had not filled the vacancy.

In March 2009, the appellate judge whose retirement notice precipitated the impasse between the Governor and the judicial nominating commission filed a petition for mandamus with the Florida Supreme Court, seeking to compel the Governor to fill the vacancy. The Court heard oral arguments in the case on May 20.

**OBJECTIVE:**

The purpose of this issue brief is to provide a primer on the constitutional and statutory requirements and procedures related to the filling of judicial vacancies through the judicial nominating commission process. The purpose also is to explore the legal issues related to the stalemate between the Governor and a judicial nominating commission regarding the diversity of nominees submitted for a vacancy on the Fifth District Court of Appeal.

**METHODOLOGY:**

Using, among other research avenues, the legal briefs filed as part of the petition, Senate professional staff will analyze the legal issues raised in the mandamus petition filed with the Supreme Court and will analyze any ruling from the Court that may be issued during the course of the interim. Senate professional staff will also consult with experts and interested parties on the history and role of the judicial nominating commissions.

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*Security for Appeals by Signatories to Tobacco Settlement Agreements*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-460

**ISSUE DESCRIPTION and BACKGROUND:**

During the 2009 Regular Session, the Legislature passed a bill that provides that in civil actions against a signatory, or a successor, parent, or affiliate of a signatory (hereinafter appellants), to a tobacco settlement agreement, brought by persons who have been decertified from a class action lawsuit, the trial court must automatically stay the execution of any judgments during the pendency of all appeals, upon provision of security to the clerk of the Florida Supreme Court. (See Committee Substitute for Senate Bill 2198.) The amount of security required in each case is equal to the lesser of the amount of the judgment to be stayed or an amount determined by the number of judgments on appeal in Florida courts. When there is no appellate review pending in a Florida court and an appeal is taken outside of Florida, including a review by the United States Supreme Court, the security required to stay the execution of a judgment is equal to the lesser of the amount of the judgment to be stayed or three times the security required to stay a judgment pending appellate review in Florida courts at the time appellate review outside of Florida is sought.

All security must be posted or paid into the registry of the clerk of the Florida Supreme Court. The clerk can collect fees and interest for receipt of the security. All fees and interest collected shall be deposited into the State Courts Revenue Trust Fund.

Additionally, the bill requires that an appellant maintain an accounting of security paid and provide an updated copy of the accounting to the clerk of the Florida Supreme Court by July 15 of each year. By August 1, 2009, an appellant must provide to the clerk of the Florida Supreme Court a list of all civil actions against that appellant that are covered by the bill. An appellant must update the clerk on any additional actions filed within 60 days after the additional actions are joined.

**OBJECTIVE:**

The purpose of this monitor project is to track implementation of this legislation by monitoring the number of actions filed against an appellant and the number of appeals posted with the clerk of the Florida Supreme Court in order to identify any implementation issues that may warrant legislative attention or action.



**METHODOLOGY:**

This monitor project will entail communicating with the clerk of the Florida Supreme Court, as well as other organizations or persons engaged in, or interested in, implementation of the legislation.

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# MILITARY AFFAIRS AND DOMESTIC SECURITY

## Interim Projects

**INTERIM PROJECT TITLE:**

*Certification of Emergency Management Officials*

**DATE DUE:** October 1, 2009

**PROJECT NUMBER:** 2010-125

**ISSUE DESCRIPTION and BACKGROUND:**

The State of Florida does not require formal certification for individuals to serve in emergency management leadership positions. Traditionally, persons in the emergency management community have obtained training and learned critical skills through a variety of in-service courses, formal education, self-study courses, exercise participation, and on-the-job experiences.

The national emergency management community is advocating for improvement in the level of professionalism by calling for the credentialing of emergency management officials and programs. A number of colleges and universities now offer programs leading to degrees in emergency management or public administration with a specialization in emergency management. In addition, the Federal Emergency Management Agency (FEMA) offers a series of independent study courses leading to a Professional Development Series certificate and the International Association of Emergency Managers offers a program leading to accreditation as a Certified Emergency Manager.

Should Florida require local or state emergency managers to obtain formal certification as emergency management professionals? If so, what criteria should be used and how should those criteria be developed? Recently, the Division of Emergency Management has expressed an interest in developing such a program.

**OBJECTIVES:**

- Review local and state emergency management training programs;
- Evaluate the merits of requiring certification of local or state emergency managers in Florida; and
- Determine an appropriate method for establishing emergency manager certification criteria.

**METHODOLOGY:**

Conduct interviews with the Division of Emergency Management, county emergency management officials, emergency management educators, FEMA officials, and national professional emergency management organizations. Senate Professional Staff may consult with federal officials to determine the impact of federal regulations on emergency management certification. As needed, Senate Professional Staff may collect data from and/or conduct interviews by phone, electronic mail, or in person with persons or entities affected by this review. Workshops and meeting may be held to obtain and review information related to the project.

**INTERIM PROJECT TITLE:**

***Mental Health Services and Suicide Prevention Programs for Veterans in Florida***

**DATE DUE:** October 1, 2009

**PROJECT NUMBER:** 2010-126

**ISSUE DESCRIPTION and BACKGROUND:**

The Florida Department of Veterans' Affairs estimates 1.8 million military veterans reside in Florida. According to U. S. Department of Veterans Affairs information, approximately 30 percent of Florida's veterans receive health care services from the federal system. In 2007, Congress passed H. R. 327, the Joshua Omvig Veterans Suicide Prevention Act, expressing the sense of Congress that suicide among veterans suffering from Post Traumatic Stress Disorder (PTSD) is a serious problem. The Act directed the Secretary of Veterans affairs to also take into consideration the special needs of such veterans and of elderly veterans who are at high risk of depression and experience high rates of suicide.

The U. S. Department of Veterans Affairs has established an extensive network of health care facilities throughout Florida including seven VA hospitals, eight medium-sized outpatient clinics, 33 small-sized community based outpatient clinics, a health care clinic for homeless veterans and an outpatient substance abuse clinic both located in Miami, a PTSD clinic in Port St. Lucie, and 15 Vet Centers which provide counseling services separate from the VA health care system. Mental health treatment services are available based on availability of on-staff mental health professionals. Veterans at the smaller community based outpatient clinics may have to travel to a larger regional facility to receive mental health services.

Each of the military services has mental health treatment and suicide prevention programs. As a part of these programs, service members, including National Guard members, receive a Post-Deployment Health Re-Assessment within 90 to 120 days after returning from a combat deployment. Data from these assessments indicate 38 percent of soldiers, 31 percent of Marines, and 49 percent of National Guard exhibit psychological symptoms.

In 2007, the Department of Defense's Task Force on Mental Health identified significant gaps in mental health care for military members and their families due to insufficient access to mental health professionals.

**OBJECTIVE:**

Review the mental health and suicide prevention resources available to Florida veterans and determine if any enhancements are needed to improve the level of such services available to veterans.

**METHODOLOGY:**

Conduct interviews with the Florida Department of Veterans' Affairs, the U. S. Department of Veterans Affairs, veterans service organizations such as the American Legion and the Veterans of Foreign Wars, and mental health professionals. Senate Professional Staff may consult with federal officials to determine the impact of federal regulations on available mental health services for veterans and their families. As needed, Senate Professional Staff may collect data from and/or conduct interviews by phone, electronic mail, or in person with persons or entities affected by this review. Workshops and meeting may be held to obtain and review information related to the project.

## Mandatory Reviews

**INTERIM MANDATORY REVIEW TITLE:**

*Open Government Sunset Review of Section 943.0314, F.S., Domestic Security Oversight Council*

**DATE DUE:** September 1, 2009

**PROJECT NUMBER:** 2010-225

**ISSUE DESCRIPTION and BACKGROUND:**

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. 943.0314, F.S., is due to the fact that the original was created in 2005 (see ch. 2005-211, L.O.F.) and is scheduled to expire October 2, 2010.

Section 943.0314, F.S., was created to provide public records and public meetings exemptions for that portion of a meeting of the Domestic Security Oversight Council at which the council will hear or discuss active criminal investigative or active criminal intelligence information. Such information and any records created there from is exempt from ss. 119.07(1) and 286.011, F.S., and ss. 24 (a) and (b), Art. I of the State Constitution.

The Domestic Security Oversight Council, pursuant to s. 943.0313, F.S., is created to provide guidance to the state’s regional domestic security task forces and other domestic security working groups and to make recommendations to the Governor and the Legislature related to counter-terrorism and domestic security efforts.

The purpose of s. 943.0314, F.S., is to protect certain information related to attempted or actual acts of terrorism.

**OBJECTIVE:**

Review s. 943.0314, F.S., its uses and applications to determine if it continues to serve a public purpose.

**METHODOLOGY:**

Interview the Florida Department of Law Enforcement 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. Senate Professional Staff may consult with the federal Department of Homeland Security to determine the impact of any federal regulations on the state exemption. As needed, Senate Professional Staff may collect data from and/or conduct interviews by phone, electronic mail, or in person with persons or entities affected by this review. Workshops and meeting may be held to obtain and review information related to the project.

## Issue Briefs

(None)

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*Federal Base Realignment and Closure Commission Actions Affecting Florida Military Bases*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-461

**ISSUE DESCRIPTION and BACKGROUND:**

The Department of Defense (DOD) currently is engaged in completing the 2005 round of base realignments and closures, commonly referred to as “BRAC.” The BRAC process reflects a desire to eliminate excess capacity, experience the savings from that reduction in capacity, and fund higher priority weapon platforms and troop training. There have been four BRAC rounds between 1988 and 1995. During the 1993 round, four Florida bases were closed.

Based on decisions made in the current 2005 BRAC round, a U. S. Army Special Forces Group of approximately 3,000 soldiers is scheduled to move from Fort Bragg, N.C., to Eglin Air Force Base in Northwest Florida in the 2010-2011 timeframe. Eglin is also scheduled to establish multi-service/multi-nation training facilities for the F-35 Joint Strike Fighter aircraft in 2011. Eglin is slated to become the principal training facility for this latest generation of military aircraft.

The U. S. Navy, in a decision unrelated to the BRAC process, has recently announced its intention to homeport one of its nuclear powered aircraft carriers to Naval Station Mayport in Jacksonville. This basing decision is expected to have a significant positive economic impact on the Jacksonville area by bringing at least 1,390 military personnel to the area.

**OBJECTIVE:**

Monitor the implementation of provisions prescribed in federal 2005 BRAC round legislation relating to base realignments as well as U. S. Navy efforts to deploy a nuclear powered carrier to Jacksonville.

**METHODOLOGY:**

Conduct interviews with the Florida Washington Office, the Department of Military Affairs, the Florida Defense Alliance, the Executive Office of the Governor, and military base community economic development officials as required. Senate Professional Staff may consult with federal officials to monitor the progress of on-going BRAC mandated realignment activities as well as the progress towards deployment of a U. S. Navy carrier to Jacksonville. As needed, Senate Professional Staff may collect data from and/or conduct interviews by phone, electronic mail, or in person with persons or entities affected by the implementation of the 2005 BRAC round. Workshops and meeting may be held to obtain and review information related to the project.

**INTERIM MONITOR PROJECT TITLE:**  
*Federal Domestic Security Funding*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-462

**ISSUE DESCRIPTION and BACKGROUND:**

The Senate Military Affairs and Domestic Security Committee is responsible for monitoring federal funding and program guidelines for domestic security prevention, preparedness and response. This includes monitoring the integration of the Domestic Security Oversight Council, Regional Domestic Security Task Forces, the State Working Group, and Urban Area Security Initiative planning and operations activities funded by federal resources.

The strategic response to terrorist activity threats remains dynamic. Federal requirements continue to shift in focus towards funding threat and risk-based strategies. 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 provided in federal 2010-2011 FY appropriations and the American Recovery and Reinvestment Act of 2009 (the federal economic stimulus act). Any shifts in certain homeland security priorities along with accompanying redirection or reduction of federal funding previously available for supporting programs must also be monitored.

**OBJECTIVES:**

- Monitor congressional funding and federal agency program guidelines for domestic security grants and allocations coming to state and local governments; and
- Work with the Florida Washington Office, the Department of Law Enforcement (FDLE) (designated as State Homeland Security lead by title), Division of Emergency Management (designated as State Administering Agency for all federal Department of Homeland Security funding), Department of Health (designated as receiving agency for Centers for Disease Control/Health Resources and Services Administration (CDC/HRSA) grants, 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 working partnerships with the Florida Washington Office, FDLE, Department of Community Affairs (DCA), Department of Health (DOH), and other state agencies. As needed, Senate Professional 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 Legislation Relating to Seaport Security*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-463

**ISSUE DESCRIPTION and BACKGROUND:**

CS/HB 7141 includes a number of provisions that revise Florida law relating to seaport security. These provisions represent significant changes and modifications including:

- Establishing the federal Transportation Worker Identification Credential (TWIC) as the only credential authorized for use by the seaports listed in s. 311.09, F.S., when granting access to secure and restricted access areas, while retaining current state criminal history background checks;
- Creating an affidavit process for determining access eligibility for TWIC holders that reduces and consolidates state fees for port workers;
- Establishing an Access Eligibility Reporting System that provides a centralized secure database for use by seaports when granting or denying persons access to secure and restricted access areas. The Department of Law Enforcement is authorized to create a pilot project in order to design, test, and implement the system; and
- Directing the Office of Drug Control to commission an update of the Florida Seaport Security Assessment of 2000. A report of this updated assessment must be presented to the President of the Senate and the Speaker of the House of Representatives by January 1, 2010.

**OBJECTIVE:**

Monitor the implementation of the provisions prescribed in CS/HB 7141 as part of Legislature's oversight responsibility.

**METHODOLOGY:**

Conduct interviews with the Office of Drug Control, the Department of Law Enforcement, the Florida Ports Council, Associated Industries of Florida, the U. S. Coast Guard, the federal Customs and Border Protection agency, and a representative sample of the public seaports covered under s. 311.09, F.S. as required. Senate Professional Staff may consult with federal officials to evaluate the integration of federal seaport security programs with changes prescribed by CS/HB 7141. As needed, Senate Professional Staff may collect data from and/or conduct interviews by phone, electronic mail, or in person with persons or entities affected by the implementation of CS/HB 7141. Workshops and meeting may be held to obtain and review information related to the project.

**INTERIM MONITOR PROJECT TITLE:**

*State Agencies' Disaster Preparedness and Response*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-464

**ISSUE DESCRIPTION and BACKGROUND:**

The Senate Military Affairs and Domestic Security Committee is responsible for monitoring ongoing activities of the Division of Emergency Management. This agency provides the strategic

planning and operational capabilities for emergency management in Florida. It is the responsibility of the division to ensure that Florida has and can implement a strategy that is capable of preparing for, responding to, and recovering from emergencies such as wildfires, hurricanes, hazardous materials events, and other natural or man-made emergency events.

**OBJECTIVES:**

- Monitor the Division of Emergency Management’s development of 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; and
- Monitor planning and operational activities of various state and local agencies to assure measures are being taken and coordinated at all levels of government to prepare for, respond to, and recover from possible emergency events.

**METHODOLOGY:**

Monitor Division of Emergency Management actions and initiatives relating to improving disaster commodities distribution, logistic tracking, commodities and supplies warehouse capacity, and emergency event response and recovery. 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:**

*State Pandemic Preparedness and Response Through Fall 2009 Influenza Season*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-465

**ISSUE DESCRIPTION and BACKGROUND:**

Scientific indicators point to the potential for a pandemic flu outbreak in the near future related to a possible mutation of the H1N1 or H5N1 viruses. 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 in May 2006, three influenza pandemics occurred in the 20<sup>th</sup> century. Each resulted in illness to approximately 30 percent of the world population and death in 0.2 to 2 percent of those infected.

The word pandemic itself simply describes a condition in which a disease is widespread. A pandemic may not necessarily be deadly. High death rates are solely dependent on the specific disease that is spreading. However, based on historical information and current models of disease transmission, it is projected that a highly morbid disease outbreak such as certain types of influenza could lead to the deaths of as many as 200,000 to 2 million people in the United States.

**OBJECTIVE:**

Monitor state and federal planning operations and determine what, if any, legislative actions might be required to prepare for and respond to a pandemic outbreak during the Fall 2009 influenza season.



**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.

**INTERIM MONITOR PROJECT TITLE:**

*Veterans Administration Response to Identified Hospital Infection Cases*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-466

**ISSUE DESCRIPTION and BACKGROUND:**

The U. S. Department of Veterans Affairs (VA) reports that veterans who underwent colonoscopy screenings at three VA hospitals between 2004 and 2009 may have been exposed to hepatitis B, hepatitis C, and HIV due to improper equipment cleaning procedures. The hospitals involved are located in Murfreesboro, TN; Augusta, GA, and Miami, FL.

The VA reports that 3,348 Miami VA patients are potentially affected. After attempts to contact all of the affected persons, 28 percent have yet to respond.

**OBJECTIVE:**

Monitor the actions taken by the VA to contact, follow-up on, and screen all affected veterans for infection to ensure that Florida veterans are receiving appropriate care under this circumstance.

**METHODOLOGY:**

Monitor VA actions taken on behalf of potentially infected veterans. Senate Professional Staff may consult with state and federal veterans' affairs and health officials relating to the affected veterans. As needed, Senate Professional Staff may collect data from and/or conduct interviews by phone, electronic mail, or in person with persons or entities affected by the potential exposure. Workshops and meeting may be held to obtain and review information related to the project.

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# POLICY AND STEERING COMMITTEE ON WAYS AND MEANS

## Interim Projects

**INTERIM PROJECT TITLE:**

*Development of the Long-range Financial Outlook*

**DATE DUE:** October 1, 2009

**PROJECT NUMBER:** 2010-127

**ISSUE DESCRIPTION and BACKGROUND:**

Amendment No. 1, approved in the November 7, 2006 general election, made a number of changes to the Constitution, including adding a requirement that the Legislative Budget Commission issue a long-range financial outlook each year by September 15<sup>th</sup>. The outlook is to be based on current consensus estimates for workload and revenues and is to set forth fiscal strategies for the state budget. Also, the long range outlook must include input from the public, the executive and the judicial branches in developing and adopting the outlook. The plan due September 15, 2009 will be the third long-range financial outlook prepared consistent with Constitutional requirements.

**OBJECTIVE:**

The objective of this project will be to update the long-range financial outlook which is useful as a reference point in developing the state budget and which accelerates understanding of pending budget or revenue issues.

**METHODOLOGY:**

Staff of the appropriations committees of the House and Senate will jointly staff the development of the long-range financial outlook under the direction of the Legislative Budget Commission. Implementation decisions need to be made prior to development of the outlook. The tentative schedule for developing the outlook is as follows:

June – Identify initial decisions required for plan development

July – Conduct estimating conference process

August – Develop plans incorporating workload and revenue projections

September – Plan approval by September 15<sup>th</sup>

## Mandatory Reviews

*(None)*

## Issue Briefs

**INTERIM ISSUE BRIEF TITLE:**

*Transparency Florida Initiative*

**DATE DUE:** September 15, 2009

**PROJECT NUMBER:** 2010-321

**ISSUE DESCRIPTION and BACKGROUND:**

Senate Bill 1796 (Chapter 2009-74, Laws of Florida) requires a website be established for public access to government entity financial information. The initial phase will include appropriations data and expenditure data for all branches of state government. The Joint Legislative Auditing Committee (JLAC) will oversee the website and will propose additional phases of information to be made available.

The committee will provide a proposal by March 1, 2010, that will include a schedule of additional phases of information by the type of information to be provided for specific governmental entities, including:

- local government units,
- community colleges,
- state universities and
- other government entities that receive state appropriations.

The proposal will include timeframes for additional phases as well as a proposed development entity for the additional information.

**OBJECTIVE:**

Ensure that the initial phase of Transparency Florida is implemented as soon as possible and facilitate the Joint Legislative Auditing Committee in preparing recommendations for subsequent phases.

**METHODOLOGY:**

Staff of the appropriations committees will coordinate with Systems Design and Development staff on the initial website implementation, monitor agency expenditure and allotment activities, and participate and assist the Joint Legislative Auditing Committee as they gather information necessary to make recommendations on subsequent phases of Transparency Florida.

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*Contracting Activities of State Agencies*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-467

**ISSUE DESCRIPTION and BACKGROUND:**

The 2009 Legislature passed CS/CS/SB 2694 relating to state contracting. The bill was subsequently vetoed by the Governor based on the assertion that implementation of the bill would have imposed significant burdens on state agencies and the private sector.

The bill limited the authority of state agencies to enter into:

- Contracts which require the payment of liquidated damages or early termination fees for a breach or early termination of the contract based on a legislative decision to provide less than full funding for the contract.
- Contracts which require the state to pay interest when the agency has insufficient budget authority to pay the underlying obligation during the current fiscal year.
- Contracts which attempt to bind the state to make future-year payments to offset payments not made during the current fiscal year due to the agency having insufficient budget authority.
- Contracts which grant to another party the right or privilege to collect and retain fees or other revenues which otherwise would have been deposited into the State Treasury.
- Contracts to lease/lease-purchase tangible personal property which requires the state to pay more than \$500,000 over the term of the lease and the term of the lease is in excess of 1 fiscal year.

The bill required a state agency to notify the Governor and Legislature, at least 30 days prior to execution of a contract, if that contract:

- Requires payments by the state in excess of \$10 million in any fiscal or calendar year.
- Requires a minimal payment or is “no cost” or authorizes the vendor to make expenditures in anticipation of revenues.
- Requires expenditures by the other party for which no payment by the state will be made within 180 days of those expenditures.
- Subjects these contracts to objection by the Legislature.

The bill mandated that each applicable contract include certain information/provisions. These mandates included:

- The identification of the specific appropriation of state funds from which the contract would be paid for the first year.
- The current “contingent upon appropriation” language to be in every state contract, not just those in excess of 1 fiscal year.
- The notice to parties that the contract may be terminated if a budget deficit is certified and the appropriation is reduced/eliminated.
- The signature of the agency head or an eligible designee on any contract that exceeds the CATEGORY TWO threshold.

- The certification by the agency head that the contract that exceed 12 months in length is consistent with the provisions of the law.
- Written acceptance of all deliverables for any contract that exceeds the CATEGORY FIVE threshold.

**OBJECTIVE:**

The objectives of this project are (a) to determine the policies of each state agency related to contracting (i.e., who has authority to execute a contract), (b) to monitor the contracting activities of the various state agencies, (c) to determine the potential impact on state agencies and the private sector should the contracting limitations and requirements included in CS/CS/SB 2694 become law, and (d) to recommend legislation that will increase oversight and accountability in contracting while not unduly increasing the administrative burdens placed on state agencies and private sector providers.

**METHODOLOGY:**

Staff of each appropriations committee will monitor the contracting activities of the state agencies within the committee’s jurisdiction. The monitoring will be conducted by periodic surveys of the state agencies to determine the level and type of contracting activities occurring in recent years and during the first three quarters of the fiscal year.

**INTERIM MONITOR PROJECT TITLE:**

*Expenditure of Federal Stimulus Funds*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-468

**ISSUE DESCRIPTION and BACKGROUND:**

The American Recovery and Reinvestment Act of 2009 provided funds to preserve and create jobs and promote economic recovery in Florida. Much of the funding provided will be distributed by state agencies. The April 15, 2009 Legislative Budget Commission established almost \$4.0 billion in budget authority for various stimulus grants for Fiscal Year 2008-2009. Senate Bill 2600 appropriated \$5.7 billion in stimulus funds for Fiscal Year 2009-2010. The American Recovery and Reinvestment Act of 2009 provided funds to preserve and create jobs and promote economic recovery in Florida. Much of the funding provided will be distributed by state agencies.

**American Recovery and Reinvestment Act of 2009 - Florida Funding**

Senate Policy Area	FY 08-09 4/15 Legislative Budget Commission	FY 09-10 Conference Report - SB 2600
EDUCATION	581.4	2699.7
GENERAL GOVERNMENT/ENVIRONMENT	13.1	291.4
WAYS AND MEANS- (ENERGY GRANTS)	0.0	174.5
HEALTH AND HUMAN SERVICES	1877.0	1964.7
TRANSPORTATION AND ECONOMIC DEVELOPMENT	1477.4	462.9
JUSTICE ADMINISTRATION	4.8	81.5
Total	3953.7	5674.7

The Recovery Act emphasizes transparency and accountability, and contains extensive reporting requirements on how states spend stimulus funds. Each state recipient is required to submit a report, not later than 10 days after the end of each calendar quarter, which contains:

- The total amount of recovery funds received
- The total of funds that were expended or obligated to projects or activities;
- A detailed list of all projects or activities for which funds were expended or obligated, including
- Name of the project or activity;
- Description of the project or activity;
- Evaluation of the completion status;
- Estimate of the number of jobs created or retained by the project or activity; and
- For infrastructure investments made by state and local governments the total cost and rationale of the agency for funding the infrastructure investment with funds made available under the Act.
- Detailed information on any subcontracts or sub grants awarded by the recipient to include data elements required to comply with Federal Funding Accountability and Transparency Act of 2006.

The U.S. Government Accountability Office (GAO) has been given oversight responsibility by the Congress. The GAO has selected 16 states, including Florida, for special focus during the implementation of the Recovery Act.

Governor Crist established the Federal Stimulus Working Group on February 2, 2009. This group, composed primarily of the heads of the Agencies receiving stimulus funds, began immediately monitoring the development of the federal legislation. The Governor has established a team within the Office of Policy and Budget that is responsible for overall tracking and coordination of Recovery Act activities.

**OBJECTIVE:**

Ensure that procedures for tracking federal expenditures are established to comply with federal reporting requirements and monitor specific agency expenditures of the federal stimulus funds.

**METHODOLOGY:**

Staff of each appropriations policy area will participate in meetings, provide input as required, and monitor federal reporting activities and expenditures. Regular updates will also be provided to the Legislative Budget Commission.

**INTERIM MONITOR PROJECT TITLE:**

*OPPAGA's Improving Call Center Efficiency Study*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-469

**ISSUE DESCRIPTION and BACKGROUND:**

The Office of Program Policy Analysis and Government Accountability (OPPAGA) plans to complete a study on improving efficiencies in call centers by December 2009. The report will explore

options for improving state call center operations, including eliminating 1-800 numbers, increasing call center automation, and consolidating call centers within and across agencies.

**OBJECTIVE:**

Determine how many call centers there are and how much money the state spends on call centers and whether there are options for consolidation or other efficiencies relating to call center operations.

**METHODOLOGY:**

Professional staff will provide input as requested from OPPAGA, review OPPAGA materials developed from their analysis of call center operations and determine recommended options for consideration during the 2010 legislative session.

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# REAPPORTIONMENT

## Interim Projects

*(None)*

## Mandatory Reviews

*(None)*

## Issue Briefs

*(None)*

## Monitor Projects

<b>INTERIM MONITOR PROJECT TITLE:</b>
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<i>Census Complete Count</i>
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**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-470

**ISSUE DESCRIPTION and BACKGROUND:**

Executive Order Number 09-41 (February 26, 2009) creates the 2010 Census Statewide Complete Count Committee. The Governor appointed 45 citizens plus five legislative delegates (Senator Haridopolos, Senator Smith, Representative Cannon, Representative Thurston, and Representative Rogers). Mayor Richard Crotty (Orange County) is the chair. The committee's mission is to plan, promote, and implement an action plan, in conjunction with county complete count committees and local communities, to obtain an accurate count of Florida's population. The executive order provides, "Part of the Committee's action plan will include public outreach that may or may not include the use of paid media."

**OBJECTIVE:**

- Monitor meetings and activities of the complete count committee.
- Provide staff support to Senator Haridopolos, Senator Smith.

**METHODOLOGY:**

- Obtain copies of background materials and action plans prepared for the committee.
- Attend committee meetings when economical and convenient.



**INTERIM MONITOR PROJECT TITLE:**

*Information Resources for Redistricting in 2011-2012*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-471

**ISSUE DESCRIPTION and BACKGROUND:**

Article III, Section 16 of the Florida Constitution provides: “The legislature at its regular session in the second year following each decennial census [i.e., 2012], by joint resolution, shall apportion the state ... into senatorial districts ... and into representative districts ...”

The official date of the next decennial census is April 1, 2010. State-level population counts for determining representation in the United States House of Representatives will be reported to the President by December 31, 2010. Block-level population counts for redistricting by state legislatures will be reported by April 1, 2011.

Professional staff of the Committee on Reapportionment must develop computer programs and reports to make the vast quantities of Census data and other redistricting information conveniently available for Senators and staff to use as they model and analyze redistricting plans.

**OBJECTIVE:**

- Assemble core information resources to support modeling and analysis of senatorial, representative, and congressional districts based on the 2010 Census.
- Thoroughly document technical requirements and project plan so strategic knowledge acquired during three redistricting cycles can be passed to successive generations.

**METHODOLOGY:**

Professional staff of the Committee on Reapportionment will:

- Enhance features and data in [District Explorer](#) (deployed to [www.flsenate.gov](http://www.flsenate.gov) in November 2008)
- Prepare a project plan and functional design specifications for District Builder application.
- Design and build a prototype District Builder application.
- Compile precinct-level election results and voter registration counts for 2002-2008.
- Compile precinct maps.
- Continue work with the U.S. Census Bureau and in collaboration with supervisors of elections to define voting tabulation districts for the 2010 Census (Census Phase 2).

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# REGULATED INDUSTRIES

## Interim Projects

**INTERIM PROJECT TITLE:**

*Review of Elevator Safety and Regulation*

**DATE DUE:** October 1, 2009

**PROJECT NUMBER:** 2010-128

**ISSUE DESCRIPTION and BACKGROUND:**

This study will address the concerns and issues presented by the enforcement of elevator safety code standards that require elevator owners to modify or retrofit elevators in order to comply with revisions or updates to the elevator safety standards. The Elevator Safety Code (code) by the Bureau of Elevator Safety (bureau) within the Department of Business and Professional Regulation requires the owners of existing elevator to retrofit elevators to meet revisions or updates to the code. A recent decision by the Division of Administrative Hearings in the case of *City of Miami Beach v. Department of Business and Professional Regulation*, held that the bureau could require elevator owners to retrofit their elevators to meet revisions of the code.

Representatives for elevator owners, including condominium associations and the City of Miami Beach, have expressed concerns regarding the expense of requiring elevator owners to retrofit or modify elevators to meet revisions to the code. According the bureau, it has granted several requests from elevator owners for variances and waivers related to the expense of complying with revisions to code.

During the 2009 Regular Session, CS/CS/SB 2100 by the Regulated Industries Committee, Community Affairs Committee, and Senator Bennett amended s. 399.02(6), F.S., to prohibit the bureau from enforcing any updates to the elevator safety code that require modifications related to specific safety code provisions for heat sensors and electronic controls on existing elevators. This enforcement prohibition would have applied to elevators that were issued a certificate of operation by July 1, 2008, and would have applied until such time as the elevator were to be replaced. The bill died in the General Government Appropriations Committee.

**OBJECTIVE:**

The project will review the adoption of revisions or updates to the elevator safety code and the enforcement of code revisions by the bureau, and review the bureau's legal authority to adopt and enforce code revisions. The project will review the costs to elevator owners related to modifying or retrofitting elevators to meet revisions to the code. The project will also review the need for Legislative action to address the issues and concerns that are presented by the project, including a discussion of possible Legislative options to address the issue or concerns.

**METHODOLOGY:**

Senate Professional Staff will review the relevant statutory and regulatory provisions related to elevator safety and regulation. Senate Professional Staff will meet with representatives from the Bureau of Elevator Safety and the Florida Building Commission to discuss the adoption of revisions to the Elevator Safety Code and the enforcement of the code. Senate Professional Staff will review the waiver and variance requests that the bureau has received and granted related to modifying or retrofitting

elevators to meet revisions of the code. Senate Professional Staff will also discuss these issues and concerns with elevator owners, including representatives for affected condominium associations and businesses.

**INTERIM PROJECT TITLE:**

*Review of the Florida Homeowners' Construction Industry Recovery Fund*

**DATE DUE:** October 1, 2009

**PROJECT NUMBER:** 2010-129

**ISSUE DESCRIPTION and BACKGROUND:**

The Florida Homeowners' Construction Industry Recovery Fund is funded by a surcharge on building permits that local building departments collect. Due to the decrease in building activities in Florida, the Recovery Fund has experienced a significant shortfall of funding. As a result, the Recovery Fund has had to stop making payments on claims and some homeowners have been waiting for significant periods of time for payout from the fund.

**OBJECTIVE:**

The project objective is to determine the current status of the Recovery Fund, including the number of claims that are outstanding and the amount of money in the fund. The project will examine the original intent behind the creation of the Recovery Fund to determine if the Recovery Fund is still achieving its goals. The project will determine how the Recovery Fund overlaps with the Construction Industry Licensing Board. The project will address whether any legislative action is needed to revise the funding structure of the recovery fund.

**METHODOLOGY:**

Senate Professional Staff will review the relevant statutory and regulatory provisions related to the Recovery Fund. Senate Professional Staff will also research the procedures used by other states and jurisdictions that have similar funds. Senate Professional Staff will meet with the Department of Business and Professional Regulation to discuss the benefits, limitations, and problems of the Recovery Fund. Senate Professional Staff may also receive input from representatives for local building departments, homeowners that have filed claims with the Recovery Fund, and other interested parties.

## **Mandatory Reviews**

*(None)*

## **Issue Briefs**

*(None)*

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*Pari-mutuel Wagering*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-472

**ISSUE DESCRIPTION and BACKGROUND:**

During the 2009 Regular Session, CS/CS/SB 788, 2<sup>nd</sup> Eng., was enacted to authorize the Governor to negotiate and execute an Indian gaming compact on behalf of the State with the Seminole Tribe of Florida for the purpose of authorizing Class III gaming on tribal lands and to streamline pari-mutuel industry regulatory procedures, alter certain tax and fee structures, and increase the availability of certain pari-mutuel gaming activities. The bill provides that the changes for the pari-mutuel industry are contingent on the execution of a gaming compact between the Tribe and Governor, ratification of the compact by the Legislature, and the compact being approved or deemed approved by the United States Department of Interior. Once those events occur and the approved compact is published in the Federal Register, changes to the statutes regulating the pari-mutuel industry take effect.

**OBJECTIVE:**

To monitor the status of the Indian gaming compact between the Seminole Tribe of Florida and Governor Crist and monitor whether changes to the statutes regulating the pari-mutuel industry take effect.

**METHODOLOGY:**

Legal decisions will be reviewed and persons from the gaming industry and the Division of Pari-Mutuel Industry will be contacted on a regular basis to monitor the impact of the status of the gaming compact on the pari-mutuel industry.

**INTERIM MONITOR PROJECT TITLE:**

*Tribal-state Gaming Compact*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-473

**ISSUE DESCRIPTION and BACKGROUND:**

Tribal-state Indian gaming compacts are an issue in Florida due to the recent agreement entered into between Governor Crist and the Seminole Tribe of Florida (Tribe), and the ensuing court challenge of the compact that invalidated the compact by finding that the Governor lacked the authority to bind the state to a 25-year compact that authorized Class III games without the approval of the Legislature.

During the 2009 Regular Session, CS/CS/SB 788, 2<sup>nd</sup> Eng., was enacted to authorize the Governor to negotiate and execute an Indian gaming compact on behalf of the State with the Tribe for the purpose of authorizing Class III gaming on tribal lands. The bill provides specific terms for a valid gaming compact with the Tribe. The bill authorizes a tribal-state gaming compact that permits the Tribe to conduct banked card games, including blackjack, chemin de fer, and baccarat, only at tribal casinos in

Broward and Hillsborough counties. It would permit a compact that authorizes the Tribe to offer no limit poker and slot machines at seven specified tribal casinos. The Governor's authority to negotiate a gaming compact with the Tribe under the terms of the bill expires at the end of the day on August 31, 2009. A negotiated compact must be ratified by the Legislature.

**OBJECTIVE:**

To monitor the negotiation of an Indian gaming compact between the Seminole Tribe of Florida and Governor Crist.

**METHODOLOGY:**

Legal decisions will be reviewed and persons from the gaming industry, the Governor's Office, the Seminole Tribe of Florida, and the Attorney General's Office will be contacted on a regular basis to monitor the progress of any negotiations and litigation on this issue.

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# TRANSPORTATION

## Interim Projects

**INTERIM PROJECT TITLE:**

*Highway Toll Collection and Violation Penalties*

**DATE DUE:** October 1, 2009

**PROJECT NUMBER:** 2010-130

**ISSUE DESCRIPTION and BACKGROUND:**

Section 316.1001, F.S., requires drivers to pay a toll when traveling on any toll road or bridge in the state. Failure to pay a toll is a moving violation, and in addition to a fine if convicted, drivers may be assessed points on their driver's license for not paying the toll. Section 318.18, F.S., further directs the Department of Highway Safety and Motor Vehicles (DHSMV) to suspend for 60 days the driver's license of any person convicted of 10 violations of s. 316.1001, F.S., within a 36 month period. Also, DHSMV is prohibited from issuing a license plate to a person having outstanding toll violations.

The advent of various electronic toll collection technologies has resulted in making the payment of tolls more efficient for tolling agencies and easier and faster for drivers. Some collection techniques are even imperceptible to drivers which, among other issues, can result in a driver unknowingly committing multiple violations in a short time.

**OBJECTIVE:**

This report will examine the various toll collection techniques currently employed or envisioned for use in the state and determine whether the current process used to enforce toll violation penalties should be revised to accommodate the new toll collection techniques.

**METHODOLOGY:**

Staff will examine and summarize the provisions of the Florida Statutes and Administrative Code pertaining to toll collection and enforcement. Staff will interview DHSMV and toll agency personnel to analyze toll violator notification and penalty practices. If necessary, staff will recommend specific changes to current enforcement provisions to better accommodate the new and innovative toll collection techniques while protecting drivers and toll agencies.

**INTERIM PROJECT TITLE:**

*Review of the Requirements for Establishing Specialty License Plates and Registration and Driver's License Check-offs*

**DATE DUE:** October 1, 2009

**PROJECT NUMBER:** 2010-131

**ISSUE DESCRIPTION and BACKGROUND:**

The Florida Legislature created the first specialty license plates in 1986, (one commemorating the space shuttle Challenger and one for each of the nine universities then in the state university system). The Legislature has authorized 112 specialty license plates to date. Of this number of plates, 67 have

been created within the last 10 years. Specialty license plates are available to any owner or lessee of a motor vehicle who is willing to pay an annual use fee for the privilege. Sales of specialty license plates generated over \$35 million in annual use fee revenues during the 2008 Fiscal Year (July 2007-June 2008). The Legislature may create a specialty license plate under its own initiative or it can do so at the request of an organization.

Section 320.08053, F.S., provides an organization seeking authorization to establish a specialty license plate must submit the following:

- A request for the particular license plate with a description of the proposed plate in specific terms, including a sample plate conforming to the specifications set by the Department of Highway Safety and Motor Vehicles (DHSMV).
- The results of a scientific sample survey of Florida motor vehicle owners that indicates at least 30,000 motor vehicle owners intend to purchase the proposed specialty license plate at the increased costs. The Auditor General is required to validate the methodology, results, and any evaluation by DHSMV of the scientific sample survey prior to the submission of the specialty license plate for approval by the Legislature.
- An application fee, not to exceed \$60,000, to defray DHSMV's cost for reviewing the application and developing the specialty license plate, if authorized.
- A marketing strategy outlining both the short and long term marketing plans and a financial analysis outlining the anticipated revenue and the planned expenditures of the revenue from the requested specialty license plate.
- 

The required documentation and fees must be submitted at least 90 days before the convening of the next regular session of the Florida Legislature. If a specialty license plate is approved by law, the organization must submit a proposed art design for the specialty plate to DHSMV no later than 60 days after the act becomes a law. If the specialty license plate is not approved by the Legislature, the application fee is refunded to the requesting organization.

DHSMV must discontinue the issuance of an approved specialty plate if the number of valid specialty license plates in use falls below 1,000 plates for at least 12 consecutive months. DHSMV is authorized to discontinue the issuance and distribution of specialty plates if the organization no longer exists, if the organization has stopped providing services authorized to be funded, or if the organization requests it. To date, only four plates have ever been discontinued for lack of sales. These plates are the Girl Scouts plate, the Orlando Predators plate, the Miami Hooters plate, and the Tampa Bay Storm plate.

In 2008, the Legislature passed SB 1992, which included a moratorium on the issuance of specialty plates by DHSMV. The moratorium is effective from July 1, 2008 to July 1, 2011, but contains an exception "for [any] specialty license plate proposal which has submitted a letter of intent to the Department of Highway Safety and Motor Vehicles prior to May 2, 2008" or "which was included in a bill filed during the 2008 Legislative Session."

In addition to specialty license plates, Florida also allows for voluntary check-off contributions on vehicle registrations and driver's licenses which must be authorized by a statutory change. Florida Statutes require organizations to submit to the DHSMV a request for the particular contribution being sought, an application fee not to exceed \$10,000, a short-term and long-term marketing plan, and an analysis outlining anticipated revenues and planned expenditures of such revenues. DHSMV must receive this information at least 90 days before convening of the next regular session. In addition, the

law specifically prohibits the use of state funds to pay the application fee. Currently, the Legislature has authorized 13 vehicle registration check-offs and 9 driver's license check-offs.

**OBJECTIVE:**

The objective of this project is to provide an assessment of the requirements to establish specialty license plates, vehicle registration check-offs and driver's license check-offs and to determine whether the proliferation of specialty plates and check-offs is a state or national problem. If appropriate, staff will make recommendations for legislative changes to address the issue.

**METHODOLOGY:**

Professional staff will review and analyze the Florida Statutes, rules and regulations and relevant case law, as well as, other states laws relating to specialty plates, vehicle registration check-offs and driver's license check-offs. Professional staff will conduct interviews, by phone, electronic mail or in person, with DHSMV staff, affected parties or others pertaining to this project.

## Mandatory Reviews

(None)

## Issue Briefs

**INTERIM ISSUE BRIEF TITLE:**

*Review of FDOT Budget Entity – Executive Direction and Support Services*

**DATE DUE:** September 15, 2009

**PROJECT NUMBER:** 2010-322

**ISSUE DESCRIPTION and BACKGROUND:**

The Florida Department of Transportation's (FDOT) Executive Direction and Support Services budget entity provides administrative and support services to assist in the operation of the agency. Resources contained in this entity provide direct support to the department through overall management of department goals and objectives; acquisition of personnel, consultant, and material resources; and direct support for the production offices through financial, legal, and other support services. These include, but are not limited to activities such as legal services, construction lettings, contractual services, reprographics, and mail services.

**OBJECTIVE:**

The issue brief will examine the programs and functions funded by FDOT's Executive Direction and Support Services budget entity.

**METHODOLOGY:**

Staff will identify all statutorily assigned duties and responsibilities of FDOT offices funded through the budget entity. Staff will review agency information submissions, all relevant OPPAGA reports and studies, all relevant Auditor General and agency inspector general reports, public testimony and submissions, and any other information deemed relevant.



## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*Outsourced Electronic Filing System Status*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-474

**ISSUE DESCRIPTION and BACKGROUND:**

The Electronic Filing System (EFS) is a system which assists Tax Collectors in their duties to title and register vehicles in the State of Florida. The system provides for franchised and independent automobile dealers to electronically submit forms and fees to the Tax Collectors and the Department of Highway Safety and Motor Vehicles (department). Currently, a private vendor selected by the Florida Tax Collectors Service Corporation supplies the software used by the automobile dealers.

During the 2009 Regular Session, the Legislature adopted CS/CS/SB 293 which requires the Office of Program Policy Analysis and Government Accountability (OPPAGA), with input from the department and from affected parties, to report to the President of the Senate and the Speaker of the House of Representatives on the status of the EFS, including program standards, statutory compliance and appropriate recommendations by January 1, 2010.

**OBJECTIVE:**

The objective of this project is to monitor the findings and recommendations of the OPPAGA to identify any specific issues that may need to be addressed in the 2010 legislative session.

**METHODOLOGY:**

Senate professional staff will meet with OPPAGA and monitor the progress of the report on the outsourced EFS.

**INTERIM MONITOR PROJECT TITLE:**

*Review of Chapter 310, F.S., Harbor Pilots, Piloting, and Pilotage*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-475

**ISSUE DESCRIPTION and BACKGROUND:**

Harbor pilots command or supervise the operations of ships and other large water vessels traveling into and out of harbors, estuaries, straits, and sounds and on rivers, lakes, bays, and oceans. Because safety is the primary objective, because of the significant economies of scale in delivering the service, and because pilots are supplying services considered to be essential to the economy and the public welfare, the Legislature determined economic regulation, rather than competition in the marketplace, will better serve to protect the public health, safety, and welfare. Therefore, ch. 310, F.S., controls harbor pilotage rate-setting process, the issuance of licenses, and other aspects of the economic regulation of piloting with the intent to protect the public from the adverse effects of unrestricted competition which would result from an unlimited number of licensed pilots being allowed to market their services on the basis of lower prices rather than safety concerns.

Section 66 of the Conference Report on SB 2600 which was passed during the 2009 Legislative Session requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a review of ch. 310, F.S., relating to harbor pilots. The report is required to include efficacy, fiscal impacts, and national trends of harbor pilotage considering industry and technological improvements since the statute was originally implemented.

**OBJECTIVE:**

This project will monitor the findings and recommendations of OPPAGA to identify specific issues that may need to be addressed in the 2010 legislative session.

**METHODOLOGY:**

Senate professional staff will meet with OPPAGA staff and monitor the progress of the study during the interim.



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# TRANSPORTATION AND ECONOMIC DEVELOPMENT APPROPRIATIONS

## Interim Projects

*(None)*

## Mandatory Reviews

*(None)*

## Issue Briefs

*(None)*

## Monitor Projects

<b>INTERIM MONITOR PROJECT TITLE:</b>
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<i>Agency Sunset Review of the Department of Community Affairs</i>
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**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-476

**ISSUE DESCRIPTION and BACKGROUND:**

Sections 11.901-.920, F.S, are known as the Florida Government Accountability Act. Under this act, most state agencies are subject to a “sunset” review process to determine whether the agency should be retained, modified, or abolished. Reviews are accomplished in three steps. First (by July 1, 2008), an agency under review must produce specific information as enumerated in statute. Second, upon receipt of the agency information, the joint Legislative Sunset Committee and the legislative committees assigned to act as sunset review committees must review the information submitted and may request studies by the Office of Program Policy Analysis and Government Accountability (OPPAGA). Third, based on the agency submissions, the OPPAGA studies, and public input, the joint committee and the legislative sunset review committees will make recommendations to the Legislature by March 1, 2010, regarding the termination, modification, or continuation of the agency and its programs. The legislative sunset review committees will also propose necessary legislation.

During the 2010 Regular Session, the Legislature will consider the recommendations and the proposed legislation. An agency may be abolished if the Legislature, pursuant to law, finds that all state laws the agency had responsibility to implement or enforce have been repealed, revised, or reassigned to another remaining agency and that adequate provision has been made to transfer certain duties and obligations to a successor agency.

The review process began in 2008 with the Department of Community Affairs submitting information by July 1, 2008. The Senate Governmental Oversight and Accountability, Community Affairs, and Domestic Security Committees will be the primary sunset review committees for the review of the Department of Community Affairs. The Senate Transportation and Economic Development Appropriations Committee will assist in the review.

**OBJECTIVE:**

Each agency under sunset review will have its programs examined to determine the effectiveness and efficiency of the agency's work and the necessity of continuing the duties and responsibilities assigned to the agency. Based on the recommendations of each sunset review committee, proposed legislation will be drafted to continue, modify, or abolish the agency under review.

**METHODOLOGY:**

Staff will review all relevant OPPAGA reports and studies, all relevant Auditor General and agency inspector general reports, public testimony and submissions, and any other information deemed relevant by the committee. As directed by the committee, staff will draft recommendations and proposed legislation to continue, modify, or abolish the agency.

**INTERIM MONITOR PROJECT TITLE:**

*Agency Sunset Review of the Department of State*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-477

**ISSUE DESCRIPTION and BACKGROUND:**

Sections 11.901-.920, F.S., are known as the Florida Government Accountability Act. Under this act, most state agencies are subject to a "sunset" review process to determine whether the agency should be retained, modified, or abolished. Reviews are accomplished in three steps. First, by July 1, 2008, an agency under review must produce specific information as enumerated in statute. Second, upon receipt of the agency information, the joint Legislative Sunset Committee and the legislative committees assigned to act as sunset review committees must review the information submitted and may request studies by the Office of Program Policy Analysis and Government Accountability (OPPAGA). Third, based on the agency submissions, the OPPAGA studies, and public input, the joint committee and the legislative sunset review committees will make recommendations to the Legislature by March 1, 2010, regarding the termination, modification, or continuation of the agency and its programs. The legislative sunset review committees will also propose necessary legislation.

During the 2010 Regular Session, the Legislature will consider the recommendations and the proposed legislation. An agency may be abolished if the Legislature, pursuant to law, finds that all state laws the agency had responsibility to implement or enforce have been repealed, revised, or reassigned to another remaining agency and that adequate provision has been made to transfer certain duties and obligations to a successor agency.

The Senate Governmental Oversight and Accountability, Ethics and Elections, and Commerce Committees will be the primary sunset review committees for review of the Department of State. The

Senate Transportation and Economic Development Appropriations Committee will assist and provide input in the review of the agency.

**OBJECTIVE:**

An agency under sunset review will have its programs examined to determine the effectiveness and efficiency of the agency's work and the necessity of continuing the duties and responsibilities assigned to the agency. Based on the recommendations of each sunset review committee, proposed legislation will be drafted to continue, modify, or abolish the agency under review.

**METHODOLOGY:**

To assist the members of the legislative sunset review committee, senate professional staff will review the agency information submissions, all relevant OPPAGA reports and studies, all relevant Auditor General and agency inspector general reports, public testimony and submissions, and any other information deemed relevant by the committee. The senate professional staff will identify all statutorily assigned duties and responsibilities of the agency under review. As directed by the committee, staff will draft recommendations and proposed legislation to continue, modify, or abolish the agency.

**INTERIM MONITOR PROJECT TITLE:**

*Early Learning Information System*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-478

**ISSUE DESCRIPTION and BACKGROUND:**

The Agency for Workforce Innovation (AWI) started planning for the Early Learning Information System (ELIS) in fiscal year (FY) 2004-05, with an estimated project completion in FY 2007-08.

- By FY 2007-08, a total of \$16.3 million had been appropriated, of which \$10.7 million had reverted.
- A definitive project scope and unambiguous system requirements addressing this scope (fundamental for an IT initiative) had not yet been defined.
- In FY 2008-09, the agency requested \$7.4 million for additional requirements analysis and system design when the original requirements and design had not been completed (after approximately 3 years of effort). The estimated project cost had increased from \$15 million in FY 2005-06 to \$35.7 million.
- The agency had revised the project completion date to FY 2010-11, 6 years after receipt of initial funding in FY 2005-06.

The original business problems (from FY 2005-06) relating to the current Enhanced Fields System (EFS) were as follows:

- Insufficient budgeting, cash management and reporting capability
- Inefficient fund management and provider payments
- No checks and balances to prevent client/provider fraud
- Inability to track coalition-specific program data
- No capacity for automating attendance tracking

The 2008 General Appropriations Act (GAA) provided AWI \$500,000 to continue implementation planning for ELIS. Associated proviso directed the agency to refocus the project to the original scope to address core business problems. The proviso also required the agency to redefine business rules, interfaces, and known customer and systems needs at a sufficient level to enable design and development. Along with this project refocus, the early learning business processes had to be standardized across the early learning coalitions. During FY 2008-2009, the agency spent \$325,000 to rescope the project and provide a new project feasibility study. The study estimated the cost at \$23.7 million over a 3-year implementation period. As requested by the agency, the 2009 GAA provides \$6 million for the first year funding. Of this funding, \$5 million is contingent upon the availability of federal stimulus funds for the project.

**OBJECTIVE:**

To monitor the activities of AWI associated with this project, and to work with the Technology Review Workgroup (TRW) staff 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 the 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:**

*Florida Homebuyer Opportunity Program*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-479

**ISSUE DESCRIPTION and BACKGROUND:**

Section 47 of Senate Bill 2602, created the Florida Homebuyer Opportunity Program (FHOP) to ensure that residents of the state gain the maximum possible economic benefit from the federal first time homebuyer tax credit created through The American Recovery and Reinvestment Act of 2009. The FHOP will provide subordinate down payment assistance loans to first-time homebuyers for owner-occupied primary residences. Program criteria includes:

- The applicant(s) adjusted gross income cannot exceed \$75,000 for a single taxpayer household or \$150,000 for joint-filing taxpayer household.
- The amount of the loan may not exceed 10 percent of the purchase price or \$8,000, whichever is less.
- The homebuyer is expected to use their federal income tax refund to repay the loan. Interest is waived if repayment is received within 18 months and penalties may be assessed for failure to use tax refund for repayment.
- Funds shall be available to the FHOP until December 1, 2009, or a later date established by the Internal Revenue Service. After expiration of the federal first time homebuyer tax credit program, any remaining funds shall be used for the State Housing Initiative Partnership Program.

**OBJECTIVE:**

To monitor the implementation of this program, and to work with Florida Housing to develop information for legislators as needed in order to ensure that appropriate legislative oversight is maintained.

**METHODOLOGY:**

Staff will meet regularly with Florida Housing staff to discuss the progress in implementing this program. 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 program implementation.

**INTERIM MONITOR PROJECT TITLE:**

*Highway Safety Operating Trust Fund Revenue Collections*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-480

**ISSUE DESCRIPTION and BACKGROUND:**

Senate Bill 1778, passed by the 2009 Legislature, provided for various fee increases related to drivers license, vehicle registration and title services and is estimated to generate \$797.8 million in new trust fund revenue and general revenue combined, for Fiscal Year 2009-2010. The new trust fund revenues enabled a \$111 million recurring general revenue reduction to the Department of Highway Safety and Motor Vehicles. The trust fund revenue collections are estimated to be \$122.3 million in Fiscal Year 2009-2010. The implementation date for the fee increases is September 1, 2009.

**OBJECTIVE:**

Monitor the department's implementation of the fee changes, with attention to the timeline programming requirements.

Monitor the Highway Safety Operating Trust Fund revenue collections throughout the fiscal year to determine if revenue collections adequately fund the departments operations and if future redirects to the general revenue fund may be possible.

**METHODOLOGY:**

Staff will attend Joint Application Design meetings with department staff on the implementation of the fee changes and policy decisions resulting from the new laws and will monitor the revenue collections on a quarterly basis.



**INTERIM MONITOR PROJECT TITLE:**

***Unemployment Compensation Claims and Benefits Information System***

**DATE DUE:** N/A

**PROJECT NUMBER:** 2010-481

**ISSUE DESCRIPTION and BACKGROUND:**

The 2007 Florida Legislature directed the Agency for Workforce Innovation (AWI) to evaluate the replacement of the 30 year old mainframe system used to process Unemployment Compensation (UC) benefit claims and appeals. As a result, a feasibility study was conducted by a third-party vendor. The study recommended that AWI implement a new system. The implementation time frame is over a 4-year period at a total project implementation cost of \$68.3 million. The agency anticipates that the project costs for the entire system will be funded from federal funds.

The study also concluded that a cost savings of up to \$43 million annually (including \$36 million in annual trust fund savings) can be expected due to enhanced efficiencies in program operations. Benefits of a new UC system include:

- Enhanced call center operations resulting in decreased caller wait times, reduced call duration, and increased customer satisfaction
- Improved efficiency of adjudication and appeals activities
- Reduced errors, fraud and overpayments
- Implementation of a simplified, robust technical infrastructure

From the national perspective, several states are also preparing to replace their inefficient UC mainframe systems. Florida and other states are experiencing similar challenges in the administration of the UC program including: increased customer demand, reduced or static funding levels, aging and retiring workforce, and an aging and inflexible technology system.

Although the project carries high risk as expected at this early stage of the project, the agency states that the overall project risk will diminish significantly by the conclusion of Phase 2 (Requirements Definition and Procurement Support) when low-level project requirements have been documented and a technology solution selected.

For Fiscal Year 2009-2010, AWI requested and the legislature funded \$2 million for Phase 2 of the project. During Phase 2 [Requirements Definition and Procurement Support] the agency will develop detailed requirements specifications and analyze and develop detailed business process requirements which would subsequently be included in a competitive procurement process that evaluates both Commercial-Off-The-Shelf applications and possible transfer of system(s) implemented in other states.

In compliance with section 216.023, F.S., the 2009 Legislature also adopted Senate Bill 1782 authorizing the project, providing time frames for implementation and a governance structure for the project and outlining the main business objectives that must be achieved. The governance structure is composed of an executive steering committee with voting powers. The membership and responsibilities are specified within the law.

**OBJECTIVE:**

To monitor the executive steering committee and 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 monitor meetings held by the Steering Committee. 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.



