

# THE FLORIDA SENATE



# INTERIM WORK PLAN 2008 SESSION

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President of the Senate

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# AGRICULTURE

## Interim Projects

(None)

## Mandatory Reviews

**INTERIM MANDATORY REVIEW TITLE:**

*Open Government Sunset Review of Section 500.148, F.S., Department of Agriculture and Consumer Services Reports and Dissemination of Information*

**DATE DUE:** October 1, 2007

**PROJECT NUMBER:** 2008-201

**BACKGROUND and DESCRIPTION:**

Section 500.148, F.S., concerns certain food products reports of the Department of Agriculture and Consumer Services (department) and dissemination of that information. Subsection (3) of s. 500.148, F.S., concerns information that is provided to the department during a joint federal-state food safety or food illness investigation. It conforms state statute confidentiality provisions to those of the federal government. This confidentiality is required by the federal government for conducting a joint federal-state contract or partnership activity or for regulatory review.

**PROJECT OBJECTIVE(S):**

A review will be made of s. 500.148, 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F.S. The purpose of the review is to make recommendations to the Legislature as to whether the section should be repealed, amended, or saved from repeal through reenactment.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:**

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:**

*Agency Sunset Review of the Department of Agriculture and Consumer Services*

**DATE DUE:** January 31, 2008

**PROJECT NUMBER:** 2008-202

**BACKGROUND and DESCRIPTION:**

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 January 1, 2007, under prior law; July 1, 2006, under the modified law) 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, 2008, regarding the termination, modification or continuation of the agency and its programs. The legislative sunset review committees will also propose necessary legislation.

During the 2008 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 2006 with five agencies and the water management districts submitting information by January 1, 2007. These agencies include the Fish and Wildlife Conservation Commission, the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Department of Citrus, and Department of Highway Safety and Motor Vehicles.

The Senate Agriculture Committee will be the primary sunset review committee for review of the Department of Agriculture and Consumer Services. The Senate General Government Appropriations Committee and the Commerce Committee will assist in the review.

**PROJECT OBJECTIVE(S):**

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:**

*Agency Sunset Review of the Department of Citrus*

**DATE DUE:** January 31, 2008

**PROJECT NUMBER:** 2008-203

**BACKGROUND and DESCRIPTION:**

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 January 1, 2007, under prior law; July 1, 2006, under the modified law) 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, 2008, regarding the termination, modification or continuation of the agency and its programs. The legislative sunset review committees will also propose necessary legislation.

During the 2008 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 2006 with five agencies and the water management districts submitting information by January 1, 2007. These agencies include the Fish and Wildlife Conservation Commission, the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Department of Citrus, and Department of Highway Safety and Motor Vehicles.

The Senate Agriculture Committee will be the primary sunset review committee for review of the Department of Citrus. The Senate General Government Appropriations Committee will assist in the review.

**PROJECT OBJECTIVE(S):**

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.

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**  
*Consumer Fertilizer Task Force*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-301

**BACKGROUND and DESCRIPTION:**

Legislation passed during the 2007 Session, created a thirteen-member Consumer Fertilizer Task Force within the Department of Agriculture and Consumer Services to address the proper use of non-agricultural fertilizers and local regulation related to such non-agricultural fertilizers. Specifically, the task force is charged to:

- Assess existing data and information regarding nutrient enrichment and surface waters due to fertilizer, assess management strategies for reducing water quality impacts associated with fertilizer, and identify additional research needs.
- Develop statewide guidelines governing non-agricultural fertilizer use rates, formulations, and applications.
- Take public input and testimony concerning these issues.
- Recommend methods to ensure local ordinances are based on best available data and science and to achieve uniformity among local government ordinances where possible, unless local ordinance variations are necessary to meet mandated state and federal water quality standards.
- Develop model ordinances for municipalities and counties concerning the use of non-agricultural fertilizer.

The task force will be staffed by the department and shall consist of three appointments by the President of the Senate, three appointments by the Speaker of the House of Representatives, five appointments by the Commissioner of Agriculture, one member appointed by the Florida League of Cities, Inc., and one member appointed by the Florida Association of Counties.

**PROJECT OBJECTIVE(S):**

Together with the Commerce Committee staff, monitor the activities and recommendations of the Consumer Fertilizer Task Force.

**METHODOLOGY:**

Committee staff will attend the Consumer Fertilizer Task Force meetings and review any reports of and recommendations made by the task force.

**INTERIM MONITOR PROJECT TITLE:**

*Implementation of Legislation Relating to Agriculture/Agritourism*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-302

**BACKGROUND and DESCRIPTION:**

Legislation passed during the 2007 Session, authorizes the Department of Agriculture and Consumer Services (department) to provide marketing advice and technical expertise to the Florida Commission on Tourism as well as to other tourist promotion organizations. The department is to focus its efforts on rural and urban communities on matters related to agritourism. Also, local governments and agricultural representatives are directed to meet and discuss the benefits of agritourism to local economies and other related matters.

The bill also:

- requires the department to examine the conditions surrounding the sale and purchase of horses and to adopt rules on the issue; and
- updates provisions pertaining to trespass on agricultural lands.

**PROJECT OBJECTIVE(S):**

Monitor implementation of the provisions of the legislation by the Department of Agriculture and Consumer Services and local governmental entities for effectiveness and efficiency.

**METHODOLOGY:**

Staff of the Agriculture Committee, the Community Affairs Committee, and the General Government Appropriations Committee will monitor the activities of the Department of Agriculture and Consumer Services and local governmental entities pertaining to implementation of the newly enacted provisions of the bill.

**INTERIM MONITOR PROJECT TITLE:**

*Implementation of Legislation Relating to the Powers and Duties of the Department of Agriculture and Consumer Services*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-303

**BACKGROUND and DESCRIPTION:**

Legislation passed during 2007 Session, addresses several issues relating to agriculture and the powers and duties of the Department of Agriculture and Consumer Services including:

- Revised pesticide registration requirements;
- Revised dairy and milk requirements;
- Creation of the Consumer Fireworks Task Force;
- Enhanced safety inspections of tomatoes; and
- Requirements for the department to conduct or cause to be conducted research projects on citrus diseases under certain conditions.

**PROJECT OBJECTIVE(S):**

Monitor implementation of the provisions of the legislation by the Department of Agriculture and Consumer Services for effectiveness and efficiency.

**METHODOLOGY:**

Staff of the Agriculture Committee, the Commerce Committee, and the General Government Appropriations Committee will monitor the activities of the Department of Agriculture and Consumer Services and local governmental entities pertaining to implementation of the newly enacted provisions of the bill.

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# BANKING AND INSURANCE

## Interim Projects

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**INTERIM PROJECT TITLE:**

*Regulation of Money Services Businesses*

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**DATE DUE:** November 1, 2007

**PROJECT NUMBER:** 2008-101

**BACKGROUND and DESCRIPTION:**

Money services businesses (MSBs) includes check cashers, currency dealers, issuers or redeemers of traveler's checks or money orders, and money transmitters, which provide a full range of financial products and services outside of the banking system. In the United States, these entities are expanding at a rapid rate, often with limited supervision, and transact business with overseas counterparts that are largely unregulated. Currently, Florida ranks first in the nation with respect to the number of MSBs. In recent years, it has been reported that the MSB industry has been used to transfer millions of dollars to fund illegal activities, to avoid the payment of state and federal taxes, and to misrepresent or hide payroll to avoid the payment of workers' compensation premiums. The Florida laws have not been amended in recent years to address and reflect significant technological advances in this industry and federal law changes.

**PROJECT OBJECTIVE(S):**

The objective would be to determine whether current laws and rules provide adequate oversight, examination, and enforcement authority of MSBs. The project would also evaluate the laws relating to workers' compensation, as it relates to the use of MSBs, to determine whether there is adequate authority and enforcement to ensure that employers comply with statutory requirements.

**METHODOLOGY:**

Staff would review reports and studies of MSBs, review the current Florida laws and federal regulating MSBs, and interview agency personnel and other interested parties.

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**INTERIM PROJECT TITLE:**

*The Effect of Repealing the Florida Motor Vehicle No-Fault Law*

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**DATE DUE:** October 1, 2007

**PROJECT NUMBER:** 2008-102

**BACKGROUND and DESCRIPTION:**

The Florida Motor Vehicle No-Fault Law is scheduled for repeal on October 1, 2007, unless reenacted prior to that date. This law was not reenacted during the 2007 Regular Session and it is unknown at this time whether this law will be reenacted in any special session prior to the sunset date. If the No-Fault Law is not reenacted, there will no longer be a statutory requirement for owners of motor vehicles to obtain \$10,000 of personal injury protection (PIP) insurance that covers injuries to the driver and other insureds, regardless of fault. There is currently no requirement that vehicle owners obtain bodily injury liability insurance, unless the vehicle is involved in an accident of a certain magnitude or

certain other conditions occur that trigger this requirement under the Financial Responsibility Law. Even if the No-Fault law is reenacted prior to the sunset date, it may be for a limited time period.

The Banking and Insurance Committee previously issued an interim project on the Florida Motor Vehicle No-Fault Law, including recommendations for reenactment and reform (Interim Project 2006-102). However, that report did not focus on the effects of repealing no-fault and returning to a traditional fault system under which the negligent party is responsible for damages caused. Some parties, including many insurance companies, argue that no-fault should be repealed because fraud and overcharging have resulted in excessive premiums for PIP and that the no-fault law does not effectively reduce litigation or liability payments and premiums. Other parties, primarily health care providers and trial attorneys, are concerned that repealing no-fault will be harmful to consumers, particularly those who do not have health insurance and may not have the financial means to pay for medical treatment after an accident, and the resulting loss of revenue to hospitals and other health care providers. If no-fault is repealed, costs of medical care currently provided under PIP will be shifted to health insurers (of injured persons) and to liability insurers (of negligent parties), as well as uncompensated care if such other insurance sources are absent or inadequate. Also, by repealing no-fault, there will no longer be a limitation on lawsuits for non-economic damages (pain and suffering), which may further increase litigation and liability insurance premiums.

Even though the no-fault law is subject to repeal, there are various laws that relate to mandatory PIP coverage that are not subject to repeal.

**PROJECT OBJECTIVE(S):**

The project objective is to evaluate the effects of the repeal of the No-Fault Law. Specifically, the objective would be to evaluate the effect of repeal on motor vehicle insurance premiums (particularly, liability insurance premiums); the amount of litigation stemming from traffic accidents; revenues to hospitals and other health care providers; and health insurance premiums. The objective would not be to recommend for or against repeal of no-fault, but the report would make recommendations on changes to the law if no-fault is repealed, such as whether liability insurance should be mandated. The report would also recommend conforming changes to laws (that are not scheduled for repeal) that relate to the mandatory PIP requirements and their enforcement by the Department of Highway Safety and Motor Vehicles.

**METHODOLOGY:**

The staff will critically analyze studies that have been done regarding the effects of the repeal of no-fault and will compare the loss costs and premiums of Florida with other states (of which 38 are fault state and 12 have some form of no-fault law). The experience in Colorado, which recently repealed its no-fault law, will be analyzed. Rate filings of insurance companies that have anticipated the repeal of no-fault will be analyzed and other actuarial opinions will be solicited, particularly regarding the anticipated impact on liability insurance premiums if no-fault is repealed. Hospital revenue data will be reviewed to determine the impact of repealing no-fault on such revenues. Data will be reviewed from the Department of Highway Safety and Motor Vehicles and requested from insurance companies regarding the number and percentage of insured vehicles, in order to estimate the impact of repealing no-fault on the number and percentage of drivers who will be uninsured for liability and the number of accidents that may involve uninsured drivers.



**INTERIM PROJECT TITLE:**

***The Effect of Mandating Coverage for Mental and Nervous Disorders***

**DATE DUE:** October 1, 2007

**PROJECT NUMBER:** 2008-103

**BACKGROUND and DESCRIPTION:**

Currently, Florida law does not require that health insurance policies or HMO contracts include coverage for mental and nervous disorders or substance abuse treatment. However, Florida law requires that group insurers *offer* coverage to group policyholders (e.g., employers) for mental and nervous disorders and for substance abuse (ss. 627.668 and 627.669, F.S.). If the group policyholder elects a plan that provides mental health benefits, the benefits may be limited (i.e., be less favorable than for physical illness, generally), as follows:

- Inpatient benefits may be limited to not less than 30 days per benefit year;
- Outpatient benefits may be limited to \$1,000 per benefit year; and
- Partial hospitalization benefits may be limited to the equivalent of 30 days of inpatient hospitalization.

With regard to coverage for treatment of substance abuse, the benefits may be limited as follows, but the group policyholder is also free to choose any other benefits offered by the insurer or HMO:

- Benefits are available only to covered individuals in a group health plan;
- Minimum lifetime benefit of \$2,000;
- Maximum of 44 outpatient visits; and
- Maximum benefit payable for an outpatient visit is \$35.

The federal Mental Health Parity Act, which is set to expire on December 31, 2007, applies to large group health plans and requires a plan that provides mental health benefits to establish the same annual and lifetime dollar limits on mental health benefits, as provided for non-mental or physical health benefits, subject to certain exceptions. In 1998, the Legislature conformed Florida law to the federal Mental Parity Act, but this was repealed pursuant to a sunset provision in 2001.

As of January 2007, the National Conference of State Legislators (NCSL) reported that 46 states had enacted some type of law that required mental health parity, mandated mental health coverage; or mandated an offer of coverage for mental health. Seventeen states require insurers and HMOs to offer such parity coverage. Significant statutory variations exist among the state laws in the definition of mental health illness, terms and conditions, and small-employer and cost increase exemptions.

**PROJECT OBJECTIVE(S):**

The project objective is to evaluate the effect of requiring health insurers and HMOs to provide or offer coverage for mental and nervous disorders and substance abuse treatment, including the effect of the “parity” requirement that such benefits be no less favorable than for physical illness, generally. Specifically, the objective would be to evaluate the effect on premiums, out-of-pocket expenses to insureds who utilize such treatment, and other societal costs and benefits.

**METHODOLOGY:**

Staff would review and analyze studies on the effects of requiring mental health benefits and the experience in other states under such requirements. Other state laws will be reviewed to determine the

different types of limitations or requirements for such benefits and how such variations are likely to affect costs and benefits.

**INTERIM PROJECT TITLE:**

***Options for Transferring Risk From the Florida Hurricane Catastrophe Fund***

**DATE DUE:** October 1, 2007

**PROJECT NUMBER:** 2008-104

**BACKGROUND and DESCRIPTION:**

The Florida Hurricane Catastrophe Fund (FHCF) is a state trust fund that reimburses insurers for a portion of their residential hurricane losses (s. 215.555, F.S.). All residential property insurers in Florida are required to purchase coverage from the FHCF in exchange for an “actuarially indicated” premium determined annually by the State Board of Administration (SBA). Legislation enacted during the 2007 Special Session A (ch. 2007-1, L.O.F.) significantly expanded the coverage offered by the FHCF. In addition to approximately \$16 billion in mandatory coverage provided by the fund annually, insurers were given the option, for the 2007, 2008, and 2009 contract years, to purchase coverage for each company’s share of up to \$12 billion above the \$16 billion limit and to purchase up to \$3 billion in coverage below the normal \$6 billion “retention” or level of losses where FHCF coverage begins. An additional option to purchase up to \$10 million in coverage per insurer was provided to a limited classification of insurers for the 2007 contract year. Based on the coverage options actually selected, the FHCF is providing about \$28 billion in coverage for the 2007 contract year. The SBA estimates that the FHCF will have about a \$2.3 billion year-end cash balance for paying 2007 claims. To fund losses in excess of the cash balance of the FHCF, the SBA is authorized to issue revenue bonds not exceeding a 30-year term, funded by assessments on most property and casualty insurance policies of up to 6 percent of premiums, or up to 10 percent for bonds issued to cover losses for two or more contract years. Losses for the hurricanes in 2004 and 2005 required the SBA issue about \$1.35 billion in bonds funded by a one percent assessment that will be levied for six years on most property and casualty insurance policies, which began January 1, 2007.

Since the FHCF was established in 1993, the law has authorized the SBA to procure reinsurance for the FHCF, which the SBA has never done. The law was amended in 2007 (ch. 2007-1, L.O.F.) to additionally authorize the SBA to enter into capital market transactions, including, but not limited to, industry loss warranties, catastrophe bonds, side-car arrangements, or other financial contracts, consistent with prudent management of the fund. [s. 215.555(7)a), F.S.]. The expansion of FHCF coverage creates the potential for a multi-billion dollar bond issue of unprecedented size requiring property and casualty insurance policyholders to pay premium assessments for up to thirty years. This potential liability has increased the interest in examining the options available to the SBA for purchasing reinsurance or other capital market instruments to transfer some of this risk in order to reduce potential assessments. But, given the relatively low cost charged to insurers for FHCF coverage, the SBA will likely be required to pay a greater amount to transfer a specified level of risk, which acts to lower the remaining cash balance available to fund losses retained by the FHCF. At this time, the SBA is considering such options for the 2007 contract year.

**PROJECT OBJECTIVE(S):**

To evaluate the options for the SBA to purchase reinsurance or other capital market instruments to transfer the risk of loss assumed by the Florida Hurricane Catastrophe Fund.

**METHODOLOGY:**

Staff will contact representatives of the SBA responsible for administration of the FHCF, analyze reports prepared for the SBA by financial consultants to the FHCF as well as reports regarding the various types of catastrophe bonds and other financial arrangements that insurers utilize for covering catastrophic risk, and contact reinsurance specialists and financial market representatives, regarding the options for purchasing reinsurance or other capital market instruments.

## Mandatory Reviews

**INTERIM MANDATORY REVIEW TITLE:**

*Open Government Sunset Review of Section 626.97411, F.S., Credit Scoring Methodologies*

**DATE DUE:** October 1, 2007

**PROJECT NUMBER:** 2008-204

**BACKGROUND and DESCRIPTION:**

Legislation was enacted in 2003 that regulates and limits the use of credit reports and credit scores by insurers for underwriting and rating personal lines motor vehicle insurance and personal lines residential insurance (ch. 2003.407, L.O.F.; creating s. 627.9741, F.S.). This law requires that a rate filing that uses credit reports or credit scores must comply with the requirement of the rating laws (s. 627.062 or s. 627.0651, F.S.) that rates may not be excessive, inadequate, or unfairly discriminatory. The Financial Services Commission may adopt rules to require information that must be included in rate filings to demonstrate compliance with this requirement.

A public records exemption was also enacted in 2003, which provides that credit scoring methodologies and related data and information that are trade secrets as defined in s. 688.002, F.S., and that are filed with the Office of Insurance Regulation pursuant to a rate filing or other filing required by law are confidential and exempt from the public records law (ch. 2003-408, L.O.F., creating s. 626.07411, F.S.). This public records exemption is scheduled for review and will stand repealed unless reenacted before October 2, 2008.

**PROJECT OBJECTIVE(S):**

The project objective is to review s. 626.97411, 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:**

Staff will conduct the mandatory review by gathering information from the Office of Insurance Regulation, insurers, and the First Amendment Foundation and reviewing relevant case law and opinions of the Attorney General.

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*Medical Malpractice Insurance Rates*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-304

**BACKGROUND and DESCRIPTION:**

In response to rapidly escalating medical malpractice premiums and reduced availability, the Legislature in 2003 passed SB 2-D (chapter 2003-416, L.O.F). The legislation placed caps on non-economic damages, provided a time period during which an insurer could pay policy limits and not be subject to a bad faith claim by the plaintiff, banned the use of contingency fees for witnesses, and modified the rules related to the presuit process. The law, required a rate freeze on medical malpractice insurance and a mandatory rate filing to reflect the savings of the bill, which was calculated pursuant to a study by Deloitte and Touche to be a 7.8 percent reduction in premiums.

In the years following the medical malpractice reforms of 2003, Florida has seen substantial increases in the availability of medical malpractice coverage. However, there has not been a substantial reduction in premiums during the same time period. Pursuant to a request by the Insurance Consumer Advocate, a public hearing was held by the Office of Insurance Regulation on January 30, 2007, regarding rate filings by medical malpractice insurers. The Consumer Advocate stated at the hearing that the rates for medical malpractice insurance should be substantially lower because the impact of the 2003 reforms has been far greater than contemplated in the Deloitte and Touche study. Representatives from medical malpractice insurers disputed the consumer advocate's assumptions.

**PROJECT OBJECTIVE(S):**

Staff will monitor the medical malpractice rate filings that are filed and approved and the weight that is given to the loss experience since the 2003 reforms, including any input from the Insurance Consumer Advocate.

**METHODOLOGY:**

Staff will review the medical malpractice rate filings that are filed and approved by the Office of Insurance Regulation. Staff will also meet with staff of the OIR, the office of the Insurance Consumer Advocate, and representatives of medical malpractice insurance companies as necessary to accurately review the rate filings.

**INTERIM MONITOR PROJECT TITLE:**

*Property Insurance Rate Filings to Reflect Savings of Chapter 2007-1, Laws of Florida*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-305

**BACKGROUND and DESCRIPTION:**

Legislation enacted in Special Session 2007-A (HB 1-A; ch. 2007-1, L.O.F.) significantly increased the amount of coverage that residential property insurers may purchase from the Florida Hurricane

Catastrophe Fund (FHCF) to reimburse them for a portion of their hurricane losses. This coverage is provided at a premium that is much lower than the rate private reinsurers charge for comparable coverage, which results in lower premiums to policyholders. The act also repealed the 25 percent “rapid cash buildup factor” that was required to be charged for FHCF premiums. The act required all residential property insurers to make a rate filing with the Office of Insurance Regulation (OIR) reflecting the savings or reduction in loss exposure to the insurer due to the expanded FHCF coverage. The Office of Insurance Regulation was required to calculate a presumed factor to be considered by insurers in their required rate filings.

**PROJECT OBJECTIVE(S):**

To monitor the property insurance rate filings, as approved by OIR, that reflect the savings of the expanded coverage available from the Florida Hurricane Catastrophe Fund, as required by HB 1-A.

**METHODOLOGY:**

Obtain from OIR all of the “presumed factor” rate filings made by residential property insurers and the average rate change that is approved by OIR.

**INTERIM MONITOR PROJECT TITLE:**

*Hurricane Loss Mitigation*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-306

**BACKGROUND and DESCRIPTION:**

*Mitigation Premium Discounts* -- Florida law (s. 627.0629, F.S.) requires rates for residential property insurance to provide discounts or credits for fixtures or construction techniques demonstrated to reduce the amount of windstorm loss. This law was amended in 2006 (ch. 2006-12, L.O.F.) to require the Office of Insurance Regulation (OIR) to reevaluate the discounts and credits by July 1, 2007, based upon actual experience or loss relativity studies, and require OIR to determine the credits that reflect the full actuarial value of such reevaluation. OIR used a 2002 study prepared by Applied Research Associates and converted the loss relativities in that study into specified premium discounts. In October, 2006, the Financial Services Commission adopted a rule (Rule 69O-170.017, F.A.C., and Form OIR-B1-1699), that required insurers to make rate filings by March 1, 2007, to reflect the minimum mitigation credits specified in the rule, unless the insurer had independent data to justify a different amount.

*Uniform Grading Scale and Inspection Form* -- In HB 1-A, enacted in the 2007-Special Session A, required the Financial Services Commission to adopt by rule a uniform home grading scale to grade a home’s ability to withstand the wind load from a hurricane and to develop by rule a uniform mitigation verification inspection form that insurers must use to factor discounts for wind insurance.

*My Safe Florida Home Program* -- In 2006 (ch. 2006-12, L.O.F.), the Legislature created what is now called the My Safe Florida Home Program and appropriated \$250 million to provide financial incentives to encourage residential property owners in Florida to retrofit their properties, making them less vulnerable to hurricane damage. The program provides free home inspections and matching grants of up to \$5,000 for home mitigation and is administered by the Department of Financial Services (DFS).

Legislative changes to this program in 2007 (HB 7057) revised the eligibility criteria for mitigation grants and limited grants to adding shutters and other opening protections and gable end bracings.

*Florida Building Code* -- The 2007 legislation (HB 7057) requires the Florida Building Commission to develop and adopt within the Florida Building Code standards for mitigation techniques for single-family-residential structures constructed prior to the implementation of the Florida Building Code, including gable-end bracing, secondary water barriers for roofs, roof-to-wall connections, roof-decking attachments, and opening protections. Also, the Commission must adopt rules by October 1, 2007, to take immediate effect (to apply to building permits applied for on or after that date) to require that a roof replacement incorporate a secondary water barrier and strengthening the roof decking attachments. For single-family residential structures located in the wind-borne debris region that have an insured value of \$300,000 or more, a roof replacement must also incorporate cost-effective improvements of roof-to-wall connections.

**PROJECT OBJECTIVE(S):**

The project will monitor: 1) rate filings made by residential property insurers to reflect the required mitigation premium discounts; 2) the adoption of rules by the Financial Services Commission of a uniform home grading scale for hurricane mitigation and a uniform mitigation verification inspection form for obtaining premium discounts; 3) the number and amount of inspections and grants awarded under the My Safe Florida Home Program, and 4) the adoption by the Florida Building Commission of standards for hurricane mitigation techniques.

**METHODOLOGY:**

1) Obtain from OIR information on the final approved rates for mitigation premium discounts; 2) review rules adopted by the Financial Services Commission for a uniform home grading scale and uniform mitigation verification inspection forms; 3) obtain status reports from the Department of Financial Services on the inspections and grants awarded under the My Safe Florida Home Program; and 4) obtain from the Florida Building Commission information on the development of standards for hurricane mitigation techniques and the related amendments to the Florida Building Code. Also, interview interested parties regarding all of the above issues.

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# CHILDREN, FAMILIES, AND ELDER AFFAIRS

## Interim Projects

**INTERIM PROJECT TITLE:**

*False Reports of Child Abuse, Abandonment, or Neglect*

**DATE DUE:** October 1, 2007

**PROJECT NUMBER:** 2008-105

**BACKGROUND and DESCRIPTION:**

According to s. 39.01(28), F.S., a “false report” is a report of abuse, neglect, or abandonment of a child to the central abuse hotline, which is maliciously made.

Section 39.01(28), F.S., also provides that the term “false report” does not include a report of abuse, neglect or abandonment of a child made in good faith.

Section 39.205(4), F.S., provides that an individual who knowingly and willfully makes a false report, or who advises another to make a false report, is guilty of a felony of the third degree. Anyone acting in good faith is immune from liability. The law also requires the Department of Children and Families (DCF) to establish procedures for determining whether a false report has been made and for submitting all identifying information relating to such report to the appropriate law enforcement agency. The DCF is required to report annually the number of reports referred.

According to DCF, Florida is one of nine states with a felony penalty as well as civil liability and administrative fines for false reporting. Florida law provides three types of judicial or quasi-judicial ways to pursue false reporters:

- criminal penalty pursued by the state attorney for false reporting, or advising another to make a false report, prosecuted as a felony of the third degree;
- civil liability for damages, including attorney fees and costs; and
- departmental imposition of an administrative fine, not to exceed \$10,000, as authorized by Chapter 39, F.S., and subject to the hearing and other requirements of Chapter 120, F.S.

During FY 2005-2006, there were 143 reports identified as being potentially false. Of those reports, 58 were referred to law enforcement. According to the department’s annual report for FY 2003-2004, more work needs to be done to encourage law enforcement and the state attorneys to seriously pursue these offenses.

**PROJECT OBJECTIVE(S):**

This project will compile data with regard to reports of abuse or neglect, and attempt to isolate information regarding the reporter when the call is presumed to be false. The primary objective is to identify any changes in law or procedure that will deter the false reporting and assist in the prosecution of false reporters without discouraging individuals from reporting legitimate cases.

**METHODOLOGY:**

This project will entail a review of the DCF Hotline practices and procedures; a review of investigative practices and procedures; a review of all data available with regard to reporting



individuals; a review of how other states deal with the issue of false reporters; and a possible survey of state attorneys regarding prosecution rates.

**INTERIM PROJECT TITLE:**

*Missing Children*

**DATE DUE:** October 1, 2007

**PROJECT NUMBER:** 2008-106

**BACKGROUND and DESCRIPTION:**

According to the Department of Children and Families (DCF), children who are the subject of active abuse investigations or who live with a parent or guardian under court ordered protective supervision often go missing as the result of actions taken by the legal parent or guardian who would normally report them to local law enforcement as missing. In some cases, a child runs away in an effort to avoid being removed from a home, or immediately after being removed from a home, in connection with an abuse investigation. In other cases, the parent or guardian moves with a child without notifying the investigator, the caseworker or the court.

Pursuant to s. 937.021, F.S., if the parent or guardian of a child files a missing child report, the law enforcement agency that receives the report is required to act on it immediately. If DCF files a report on a child missing from its care, however, the law enforcement agency that receives the report has discretion to refuse to generate a missing child report, even if the child is the subject of an active abuse investigation or is under court ordered protective supervision. Often, law enforcement agencies do not accept or act on these reports because the child is with a parent who has legal custody of the child. If a missing child report is not generated, the child is not entered into any missing child data bases and law enforcement is not assigned to locate the child.

Although DCF includes language in its proposed custody orders that specifically encourages law enforcement to generate missing child reports in protective custody cases when the parent removes the child from the circuit or the child is otherwise unable to be located, these orders do not mandate law enforcement to act and they do not capture the cases of children who go missing during an open abuse investigation.

DCF also reports that courts often close the cases of children who go missing while under protective supervision. The closure of the court case results in the closure of the case with the community based care provider, which is then no longer able to assist law enforcement with efforts to locate the child. In fact, law enforcement is no longer required to keep its case open or to continue to look for the child. Chapter 39, F.S., does not give DCF authority to pursue a shelter order for children in these circumstances.

**PROJECT OBJECTIVE(S):**

The objectives of this project are to identify best practices for reporting, locating and returning children who go missing while the subject of an open abuse investigation or while under court-ordered protective supervision, and to draft proposed legislation as required.

**METHODOLOGY:**

- Meet with DCF Child Recovery staff, DCF Family Safety Program staff, DCF General Counsel staff and Florida Department of Law Enforcement representatives to review current practices and procedures and to identify areas of concern.
- Survey local law enforcement authorities regarding current practices for accepting reports and locating children who go missing under these circumstances.
- Survey local courts regarding current practices for closing cases of children who go missing under these circumstances.
- Review practices, procedures and laws of other states to identify those that have successful programs for locating missing children.

## Mandatory Reviews

**INTERIM MANDATORY REVIEW TITLE:**

*Open Government Sunset Review of Section 409.175(16)(a),(b), F.S., Foster Parent Information*

**DATE DUE:** October 1, 2007

**PROJECT NUMBER:** 2008-205

**BACKGROUND and DESCRIPTION:**

Section 409.175(16)(a), (b), F.S., provides that specified identifying information held by the Department of Children and Family Services regarding a foster parent applicant and such applicant's spouse, minor child, and other adult household member is exempt from public records. This subsection is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2008, unless reviewed and saved from repeal through reenactment by the Legislature.

**PROJECT OBJECTIVE(S):**

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

**METHODOLOGY:**

Committee staff will review the current exemption pursuant to the standards of the Open Government Sunset Review Act, survey the Department of Children and Families, and contact the First Amendment Foundation 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 63.0541, F.S., Putative Father Registry***

**DATE DUE:** October 1, 2007

**PROJECT NUMBER:** 2008-206

**BACKGROUND and DESCRIPTION:**

In 2003, as part of a substantial revision to the Florida Adoption Act (ch. 63, F.S.), the Legislature created a Putative Father Registry within the Office of Vital Statistics in the Department of Health. Under s. 63.054, F.S., an unmarried biological father must register with the registry in order to preserve any right to notice and consent regarding his parental right to a child placed for adoption. The registry replaced constructive notice procedures that had been utilized for fathers who could not be identified or located.

Section 63.0541, F.S., provides that all information contained in the registry and maintained by the Office of Vital Statistics is confidential and exempt from public disclosure except under certain, specified circumstances. This subsection is subject to the Open Government Sunset Review Act (s. 119.15, F.S.) and stands repealed on October 2, 2008, unless reviewed and saved from repeal through reenactment by the Legislature.

**PROJECT OBJECTIVE(S):**

The project objective is to review s. 63.0541, F.S., to determine if it meets the standards established in the Open Government Sunset Review Act and to recommend whether or not this public records exemption should be retained.

**METHODOLOGY:**

Committee staff will review the 2003 legislation to ascertain the rationale for enacting the provisions of s. 63.0541, F.S., review relevant case law, and contact the Departments of Health and Children and Families, as well as the First Amendment Foundation, to determine whether the exemption should be retained, retained with amendments, or allowed to sunset.

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

***Office of Adoption and Child Protection***

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-307

**BACKGROUND and DESCRIPTION:**

The 2007 Legislature passed CS/CS/HB 1309, creating the Office of Adoption and Child Protection in the Executive Office of the Governor for the purpose of establishing a comprehensive statewide approach for the promotion of adoption, for the support of adoptive families, and for the prevention of child abuse, abandonment, and neglect. The office is to be headed by the Chief Child Advocate.

**PROJECT OBJECTIVE(S):**

This project is to monitor this new office to ascertain how it is bridging cross-department issues relating to children, and to monitor the office's efforts to find permanent homes for dependant children who are available for adoption.

**METHODOLOGY:**

Committee staff will monitor the Office of Adoption and Child Protection by maintaining contact with both the office and the Chief Child Advocate and attending relevant meetings.

**INTERIM MONITOR PROJECT TITLE:**

*Children and Youth Cabinet*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-308

**BACKGROUND and DESCRIPTION:**

The 2007 Legislature passed CS/HB 509, creating the Children and Youth Cabinet (Cabinet) in the Executive Office of the Governor as a coordinating council to ensure that all state agencies and programs that touch the lives of children and youth work in a coordinated and comprehensive manner for the benefit of the children of Florida.

The Cabinet is required to meet for its organizational session no later than October 1, 2007. After its organizational meeting, the Cabinet is to meet six times each year in different regions of the state. Each meeting must provide an opportunity for public comment.

**PROJECT OBJECTIVE(S):**

The objective of this project is to monitor the establishment and accomplishments of the Cabinet.

**METHODOLOGY:**

Committee staff will monitor the Cabinet by communicating with Cabinet representatives and by attending or monitoring local Cabinet meetings.

**INTERIM MONITOR PROJECT TITLE:**

*Florida Safe Families Network*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-309

**BACKGROUND and DESCRIPTION:**

Senate Bill 2802 provides that the Department of Children and Family Services (DCF) shall ensure that all public and private agencies and institutions participating in child welfare cases enter information specified by rule of DCF into the Florida Safe Families Network (FSFN) in order to maintain the accuracy and usefulness of the system. The FSFN is intended to be DCF's automated child welfare case-management system designed to provide child welfare workers with a mechanism for managing child welfare cases more efficiently and tracking children and families more effectively. The DCF shall

coordinate with the Office of the State Courts Administrator and the Statewide Guardian Ad Litem Office for the purpose of providing any judge or magistrate and any guardian ad litem assigned to a dependency court case with access to information in the FSFN relating to a child welfare case which is required to be filed with the court pursuant to ch. 39, F.S. This must be done by the date of the network's release during the 2007-2008 fiscal year. The DCF is required to report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2008.

**PROJECT OBJECTIVE(S):**

Monitor compliance with legislative direction.

**METHODOLOGY:**

Committee staff will monitor the progress and pending implementation of the FSFN by maintaining contact with DCF, and the Technology Review Workgroup.

**INTERIM MONITOR PROJECT TITLE:**

*Human Trafficking/Immigrant Survivors*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-310

**BACKGROUND and DESCRIPTION:**

The 2007 Legislature passed HB 7181 that allows immigrant survivors of human trafficking and other serious crimes to access state-funded social services through the Department of Children and Families (DCF) while they are waiting for processing by the U.S. Department of Homeland Security or the U.S. Department of Health and Human Services. The legislation also authorizes DCF to develop a public-awareness program on human trafficking.

**PROJECT OBJECTIVE(S):**

The objective of this project is to monitor the implementation of the program by verifying that eligibility determinations are made in accordance with the standards provided in the law, and by tracking DCF's efforts at raising public-awareness about the program.

**METHODOLOGY:**

Committee staff will monitor the progress of this initiative by maintaining contact with DCF and attending relevant meetings.

**INTERIM MONITOR PROJECT TITLE:**

*Mental Health and Criminal Justice- Reinvestment Grant Program and Supreme Court Initiatives*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-311

**BACKGROUND and DESCRIPTION:**

The 2007 Legislature passed CS/CS/HB 1477, creating the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program for the purpose of providing funding to counties to enable them to plan, implement, or expand initiatives to address the issues of adults and juveniles who have mental illness and/or substance use disorders and who are in or at risk of entering the criminal justice system.

Also in 2007, the Chief Justice of the Florida Supreme Court appointed a Special Advisor to the Chief Justice on Criminal Justice and Mental Health. The Special Advisor is charged with identifying and recommending practices that have proven effective in improving the response of both the public mental health system and the criminal justice system to people with mental illness. His work is to be done in collaboration with the executive and legislative branches of government.

In addition, the Chief Justice will hold a Criminal Justice Mental Health Summit in the fall of 2007, using grant funding awarded by the Council of State Governments Justice Center in New York. The summit will bring together key leaders in all branches of government to begin finding solutions to this issue.

**PROJECT OBJECTIVE(S):**

The objective of this project is to monitor the establishment and implementation of the Grant Program throughout the State, and to monitor the work of the Special Advisor to the Chief Justice on Criminal Justice and Mental Health.

**METHODOLOGY:**

Committee staff will communicate with the Substance Abuse and Mental Health Corporation and the Department of Children and Families, as well as with representatives of Florida Partners in Crisis, the Florida Association of Counties, and other interested parties, to obtain information about the progress of the Grant Program. Staff will also establish and maintain contact with the Supreme Court regarding the activities of the Special Advisor.

**INTERIM MONITOR PROJECT TITLE:**

*Federally Mandated Review of Florida's Child Support Guidelines*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-312

**BACKGROUND and DESCRIPTION:**

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. The last review of Florida's child support guidelines was conducted by Florida State University in 2004.

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 DOR to fund the child support guideline review, to be conducted by the Office of Economic and Demographic Research. From the funds provided for this purpose, DOR shall reimburse the Office of Economic and Demographic Research 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 may contract with a state university or a nationally recognized organization for the purpose of collecting and analyzing the economic data necessary for the review.

**PROJECT OBJECTIVE(S):**

The objective of this project is to monitor the mandatory study and review and prepare for any resulting proposed legislation.

**METHODOLOGY:**

Committee staff will monitor the review of Florida's child support guidelines by maintaining communication with DOR and the Office of Economic and Demographic Research.



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# COMMERCE

## Interim Projects

**INTERIM PROJECT TITLE:**

*Examination of Automobile Dealers' Documentation Fees*

**DATE DUE:** 10/01/07

**PROJECT NUMBER:** 2008-107

**BACKGROUND and DESCRIPTION:**

Motor vehicle dealers charge a variety of fees when selling cars to consumers. Such fees typically include, but are not limited to: vehicle registration fees, sales tax, shipping and handling, advertising fees, and documentation fees. Documentation Fees (or “doc fees”) are fees charged by the dealer for preparing the paperwork that a consumer must complete and sign when making a purchase. These fees vary from dealer to dealer and across states, and, according to consumer oriented websites, may range from \$50 to \$1,000. While licensing and registration requirements and fees are outlined in a statutory provision related to motor vehicle dealers, s. 320.27, F.S., the remaining fees, including doc fees, are not regulated. Some consumers report that dealers are charging excessive fees.

**PROJECT OBJECTIVE(S):**

The primary purpose of this project is to provide a general profile of the various fees, particularly documentation fees, charged by motor vehicle dealers in Florida and across the states. The project will also survey other state regulations related to dealer fees, with particular emphasis on doc fees.

**METHODOLOGY:**

Committee staff will contact the National Conference of State Legislatures, the Florida Department of Highway Safety and Motor Vehicles, and Florida's Automobile Dealer Industry Advisory Board, as well as any other private, state or federal entities which may have information relevant to the imposition or regulation of motor vehicle dealers' fees.

## Mandatory Reviews

**INTERIM PROJECT MANDATORY REVIEW:**

*Agency Sunset Review of the Divisions of Consumer Services, Licensing, and Standards of the Department of Agriculture and Consumer Services*

**DATE DUE:** 01/31/08

**PROJECT NUMBER:** 2008-207

**BACKGROUND and DESCRIPTION:**

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, (by January 1, 2007, under prior law; July 1, 2006, under the modified law) 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, 2008, regarding the termination, modification or continuation of the agency and its programs. The legislative sunset review committees will also propose necessary legislation.

During the 2008 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 2006 with five agencies and the water management districts submitting information by January 1, 2007. These agencies include the Fish and Wildlife Conservation Commission, the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Department of Citrus, and the Department of Highway Safety and Motor Vehicles.

The Senate Commerce Committee will be the primary sunset review committee for reviews of the divisions of Consumer Services, Licensing and Standards within the Department of Agriculture and Consumer Services. The Senate General Government Appropriations Committee will assist in these reviews.

**PROJECT OBJECTIVE(S):**

The divisions of Consumer Services, and Licensing and Standards within the Department of Agriculture and Consumer Services 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.

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*Implementation of the Task Force for the Study of Biotech Competitiveness*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-313

**BACKGROUND and DESCRIPTION:**

The 2007 Legislature passed CS/HB 543, whose provisions include the creation of the 17-member task force for the Study of Biotech Competitiveness. The task force's purpose is to study several elements of Florida's economy, with a goal of recommending modifications to state policies and programs in order to attract biotech manufacturing and distribution companies. A report is due to the Governor and the Legislature by January 1, 2009. Task force members shall be:

- Seven persons appointed by the Governor, including a member of the Office of Tourism, Trade, and Economic Development; the Secretary or Surgeon General, or a designee, of the Department of Health; a representative of the Department of Education with expertise in workforce education; a representative of the Agency for Workforce Innovation having expertise in workforce readiness; a representative of the Florida Research Consortium having training and expertise in technology transfer; a representative of the Medical Device Manufacturing Association; and a representative of Enterprise Florida, Inc.;
- Five persons appointed by the President of the Senate, including a representative of Torrey Pines Research Institute; a representative of the Burnham Research Institute; a representative of an established biotech company that has sited a manufacturing or distribution facility outside of Florida within the last 12 months; a site-selection consultant who has worked with biotech companies in siting manufacturing or distribution facilities in states other than Florida; and a representative of the Florida Public Health Foundation, Inc.; and
- Five persons appointed by the Speaker of the House of Representatives, including a representative of the Scripps Research Institute; a representative of BioFlorida; one member representing the state's five water management districts; one member representing a local economic development authority; and a representative of the Board of Governors of the State University System.

The task force is directed to study the effect of Florida's taxation system on attracting biotech manufacturing and distribution facilities to this state; the state'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.

**PROJECT OBJECTIVE(S):**

Together with the staff of the Senate Environmental Preservation and Conservation, Higher Education, Health Regulation committees, monitor the activities and recommendations of the Task Force for the Study of Biotech Competitiveness.

**METHODOLOGY:**

Attend the meetings and review any reports and recommendations of the Task Force.

**INTERIM MONITOR PROJECT TITLE:**

*Black Business Loan Program*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-314

**BACKGROUND and DESCRIPTION:**

House Bill 1283 creates the Florida Black Business Investment Act, which is intended to increase the availability of capital to black business enterprises. The bill recreates the Black Business Investment Board (FBBIB) as a not-for-profit corporation to evaluate the needs and aid in the development of black business enterprises.

The bill also creates the Black Business Loan Program, under the administration of the Office of Tourism, Trade, and Economic Development (OTTED), to provide loans, loan guarantees, and investments through eligible recipients such as Black Business Investment Corporations (BBICs) or others, to black business enterprises that cannot otherwise obtain capital through conventional lending institutions. OTTED is required to annually certify entities to receive funds from the program. The FBBIB is required to receive and forward the applications for certification, and recommend to OTTED which entities should be annually certified. OTTED is required to contract with the entities certified to receive funds from the Black Business Loan Program, and specifies the conditions of such contracts, including recovery of disbursed funds when performance conditions are not met.

The bill requires the FBBIB to submit to OTTED quarterly compilations of the quarterly reports submitted by certified entities that have received funds from the Black Business Loan Program; and submit an annual report on the performance of the Black Business Loan Program to the Governor, President of the Senate, and Speaker of the House of Representatives.

As to the regional BBICs, the bill grants the BBICs priority consideration for funding from the Black Business Loan Program and allows the BBICs to use 7 percent of the Black Business Loan Program funds they receive to provide technical support to black business enterprises and 10 percent of program funds to fund direct administrative costs.

The Office of Program Policy Analysis and Government Accountability (OPPAGA) is directed to prepare a status report and conduct a program review of the implementation of the Florida Black Business Investment Act.

**PROJECT OBJECTIVE(S):**

Together with the Transportation and Economic Development Appropriations Committee staff, monitor implementation of the Black Business Loan Program.

**METHODOLOGY:**

Committee staff will communicate with OTTED, the FBBIB, and the BBICs regarding implementation of the program, and review the related annual report.

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**INTERIM MONITOR PROJECT TITLE:*****The Entertainment Industry Incentive Program*****DATE DUE:** N/A**PROJECT NUMBER:** 2008-315**BACKGROUND and DESCRIPTION:**

In 2007, the Legislature significantly revised s. 288.1254, F.S., related to the entertainment industry incentive program.

CS/CS/HB 1325 reorganizes the existing categories for entertainment productions and established new criteria for qualifying production expenditures for state reimbursement. Three new “queues,” or categories, of entertainment productions will be eligible to receive cash incentives from the state: the General Production queue (which includes major movies and television series); the Independent Florida Filmmaker queue; and the Digital Media Projects queue. Productions in each queue must meet specific hiring and other criteria in order to obtain the cash incentives that reimburse a portion of their qualified expenditures. Of the amount appropriated by the state for the cash incentives: 85 percent is earmarked for qualified expenditures in the General Production queue; 5 percent is earmarked for the Independent Florida Filmmaker queue; and 10 percent is earmarked for the Digital Media Production queue.

General Productions also are eligible for greater percentage incentives if they meet the specified requirements as a “family-friendly film” or if they are filmed during the “off-season,” June 1-November 30. The legislation also appropriates \$25 million in non-recurring general revenue for FY 2007-2008.

The Governor’s Office and the state Office of Film and Entertainment have attempted, unsuccessfully, over the past 2 years to transform the existing cash-incentive program into a tax-credit program. Funding and other issues stalemated that objective in 2006 and 2007, but it is likely that in 2008, legislation will be filed to again try and convert the program into one financed with state tax credits.

**PROJECT OBJECTIVE(S):**

Together with the Transportation and Economic Development Appropriations Committee Staff, monitor the implementation of the 2007 legislation, as well as any efforts during the interim to propose further changes to the entertainment industry financial incentive program.

**METHODOLOGY:**

Staff will communicate with the Office of Film and Entertainment and the Governor’s Office of Policy and Budget, and review the required annual report and any recommendations made by the Florida Film and Advisory Council.

**INTERIM MONITOR PROJECT TITLE:**

***Innovative Incentive Program Accountability***

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-316

**BACKGROUND and DESCRIPTION:**

Chapter 2006-55, L.O.F., created Florida's Innovation Incentive Program. The program's purpose is to provide resources for significant economic development projects, including the location or expansion of research and development entities and innovation businesses in Florida. It was intended to build on the state's success in attracting the Scripps Research Institute to Palm Beach County in 2003.

Pursuant to s. 288.1089, F.S., Enterprise Florida, Inc. (EFI), is required to evaluate applications for innovation incentive funds and to recommend eligible businesses to the Governor's Office of Tourism, Trade, and Economic Development (OTTED). Next, OTTED must certify the applicants as qualified businesses, and then recommend qualified businesses to the Governor for approval. The Governor is required to consult with the Legislature prior to approving innovation incentive funds for qualified businesses. The Legislative Budget Commission (LBC) approves the release of all funds for this program.

For FY 2006-2007, \$200 million was appropriated from the General Revenue Fund to the Economic Development Trust Fund within OTTED for the Innovation Incentive Program. These funds were placed in reserve by the Executive Office of the Governor to be released by the LBC as needed to implement the program. To date, funds from the program have been release to the following projects:

- Burnham Institute for Medical Research in Orlando = \$197.7 million.
- Torrey Pines Institute for Molecular Studies in St. Lucie County = \$47 million
- Stanford Research Institute (SRI) International in St. Petersburg = \$20 million

For FY 2007-2008, \$250 million was appropriated to the Innovation Incentive Program, \$80 million of which was designated for the University of Miami's Institute of Human Genomics.

**PROJECT OBJECTIVE(S):**

Together with the Transportation and Economic Development Appropriations Committee staff, monitor the continued implementation of the Innovation Incentive Program.

**METHODOLOGY:**

Staff will communicate with OTTED and EFI on issues related to the Innovation Incentive Program, and conduct site visits to the facilities that have received incentives through the program.

**INTERIM MONITOR PROJECT TITLE:**

***Implementation of the Venture Capital Formation Act and Related Venture Capital Legislation***

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-317

**BACKGROUND and DESCRIPTION:**

The 2007 Legislature passed CS/CS/HB 83, which creates two entities and modifies an existing board to implement an interconnected set of programs promoting venture capital investment in Florida. The bill also appropriates \$35 million in nonrecurring General Revenue, to be shared among the new initiatives.

The legislation creates the Florida Opportunity Fund, as a private, not-for-profit corporation organized and operated under ch. 617, F.S., with Enterprise Florida, Inc. (EFI), as its sole shareholder or member. The Florida Opportunity Fund will invest in a “fund-of-funds” approach in seed and early-stage venture capital funds. Such investments must focus on investment opportunities in Florida, in companies that include, but are not limited to, enterprises in life sciences, information technology, advanced manufacturing processes, aviation and aerospace technologies, and homeland security and defense. An annual report is due to the Governor and the Legislature by December 1 of each year.

The legislation also creates the Institute for the Commercialization of Public Research. This institute, operated by a public university and based in South Florida, shall mentor and otherwise assist companies close to bringing their products to market. The actual site will be selected by the EFI Board of Directors after review of proposals submitted by interested public Florida universities. The institute’s primary purpose is to assist in the commercialization of products developed by the research and development activities of publicly supported universities and colleges, research institutes, and other publicly supported organizations within the state. To be eligible for assistance, the company or organization attempting to commercialize its product must be accepted by the institute before receiving the institute’s assistance. The institute also must submit an annual report to the Governor and the Legislature by December 1 of each year detailing its activities.

**PROJECT OBJECTIVE(S):**

With the Senate Transportation & Economic Development Appropriations Committee staff, monitor the implementation of the Capital Formation Act.

**METHODOLOGY:**

Staff will communicate with members and administrative staffs of the Florida Opportunity Fund, and the Institute for the Commercialization of Public Research; when possible, attend their respective meetings; and review their annual reports.



**INTERIM MONITOR PROJECT TITLE:**

***Quick Action Closing Fund***

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-318

**BACKGROUND and DESCRIPTION:**

In 1999, the Legislature created the Quick Action Closing Fund (QACF) within the Office of Tourism, Trade, and Economic Development (OTTED), for the purpose of helping Florida compete for high-impact business facilities, critical private infrastructure in rural areas, and key businesses in economically distressed urban or rural communities.

Pursuant to s. 288.1088, F.S., Enterprise Florida, Inc. (EFI), evaluates proposals for the use of the QACF, and makes recommendations to OTTED. The director of OTTED then makes a recommendation of approval or disapproval of the project to the Governor. OTTED must provide the Governor with proposed performance conditions that the project must meet in order to obtain the QACF funds. The Governor must recommend approval of the project and release of moneys from the QACF pursuant to legislative consultation and review requirements of s. 216.177, F.S., which requires notice to the Legislative Budget Commission (LBC). The LBC may deny the funding request if it exceeds the delegated authority of the Governor or is contrary to legislative policy and intent.

Chapter 2006-55, L.O.F., made several changes to the Quick Action Closing Fund (QACF) in s. 288.1088, F.S., as follows:

- Added criteria for project eligibility for QACF awards;
- Required that the evaluation of the QACF proposals submitted by EFI to OTTED include an evaluation of the quality and value of the company;
- Required that the Governor provide the evaluation of projects recommended for QACF awards to the President of the Senate and the Speaker of the House of Representatives;
- Required that contracts awarding QACF funds must provide that payments are contingent upon legislative appropriation of sufficient funds and efficient release of funds by the Legislative Budget Commission; and
- Deleted authority of the Governor to reallocate unencumbered QACF appropriations to supplement other statutorily created economic development programs.

The Legislature appropriated \$45 million in nonrecurring General Revenue to the QACF in FY 2006-2007 and \$45 million in FY 2007-2008.

**PROJECT OBJECTIVE(S):**

Together with the Transportation and Economic Development Appropriations Committee staff, monitor the implementation of the 2006 legislation to determine its impact on the QACF program.

**METHODOLOGY:**

Staff will review documents related to the QACF and communicate with OTTED and EFI on issues related to QACF.

**INTERIM MONITOR PROJECT TITLE:**

*Space Florida*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-319

**BACKGROUND and DESCRIPTION:**

During the 2006 Regular Session, ch. 2006-60, L.O.F., was enacted to consolidate the powers, duties, and assets of the Florida Space Authority (FSA), the Florida Space Research Institute (FSRI), and the Florida Aerospace Finance Corporation (FAFC) into one entity, Space Florida.

This law requires Space Florida to enter into agreements with Enterprise Florida, Inc. (EFI), the Department of Education (DOE), the Department of Transportation (DOT), and Workforce Florida, Inc., to implement the new requirements. In addition, the law creates the Florida Center for Mathematics and Science Research, to increase student achievement in math and science.

For FY 2006-2007, this bill appropriated \$35 million from the General Revenue Fund to the Office of Tourism, Trade, and Economic Development to be used for infrastructure needs related to NASA's Crew Exploration Vehicle (CEV). It also appropriated general revenue funds for Space Florida's operations and for implementation of innovative education programs and aerospace business development projects.

Over the last interim, the Space Florida board focused on implementing the new law and laying the groundwork for its expanded mission.

For FY 2007-2008, the Legislature appropriated \$7 million, of which \$4 million is to be used to fund innovative education programs and Space Business Development.

**PROJECT OBJECTIVE(S):**

Now that Space Florida has had a full year to fully integrate the responsibilities and assets of its three precursors, it is moving forward with its task to promote aerospace business development. Together with staff of the Transportation and Economic Development Appropriations Committee, staff will monitor these activities over the 2008 interim.

**METHODOLOGY:**

Staff will attend Space Florida's meetings; review any documents it generates; and communicate with board members and administrative staff, as necessary.



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# COMMUNICATIONS AND PUBLIC UTILITIES

## Interim Projects

**INTERIM PROJECT TITLE:**

*Review Process for Selection of Members of the Public Service Commission*

**DATE DUE:** October 1, 2007

**PROJECT NUMBER:** 2008-108

**BACKGROUND and DESCRIPTION:**

The process of selection of Public Service Commission members was reviewed as a part of this committee's 2004-2005 Interim Project on a Review of Chapter 350, Florida Statutes. As the resulting proposed legislation went through the legislative process, it was changed significantly. Additionally, concerns have arisen in the implementation of this revised appointment process.

**PROJECT OBJECTIVE(S):**

Review the statutes on selection of Public Service Commission members to determine whether they should be revised.

**METHODOLOGY:**

Review the legislative history of these statutes, the appointment processes that were conducted under the statutes, determine any problems with the statutes, and propose resolutions for those problems.

## Mandatory Reviews

*(None)*

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*Implementation of 2007 Energy Initiatives*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-320

**BACKGROUND and DESCRIPTION:**

The Legislature authorized numerous energy initiatives in the 2007-2008 General Appropriations Act and in Senate Bill 2802, including:

- \$25 million for a new Farm-to-Fuel Grants Program within the Department of Agriculture and Consumer Services to provide renewable energy matching grants for demonstration, commercialization, research, and development projects relating to bioenergy projects.
- \$12.5 million for Renewable Energy Technologies Grants within the Department of Environmental Protection for demonstration, commercialization, research, and development projects relating to renewable energy technologies.

- \$3.5 million for Solar Energy System Incentives within the Department of Environmental Protection to provide financial incentives for the purchase and installation of solar energy systems.
- \$20 million to the University of Florida, Institute of Food and Agricultural Sciences, for constructing a multifaceted research and demonstration cellulosic ethanol plant designed to conduct research and to demonstrate and advance the commercialization of cellulose-to-ethanol technology.
- \$100,000 for the Florida Building Commission to convene a workgroup comprised of representatives from the Florida Energy Commission, the Department of Community Affairs, the Building Officials Association of Florida, the Florida Energy Office, the Florida Home Builders Association, the Association of Counties, the League of Cities, and other stakeholders to develop a model residential energy efficiency ordinance that provides incentives to meet energy efficiency standards. The commission is required to report to the Legislature with a developed ordinance by March 1, 2008.
- \$250,000 for the Florida Building Commission, in consultation with the Florida Solar Energy Center, the Florida Energy Commission, the Florida Energy Office, and United States Department of Energy, and the Florida Home Builders Association, to develop and implement a public awareness campaign that promotes energy efficiency and the benefits of building green by January 1, 2008.
- \$250,000 for the Department of Environmental Protection to develop a public awareness campaign that promotes the effective use of energy in the state and discourages all forms of energy waste.

**PROJECT OBJECTIVE(S):**

Monitor implementation of these energy initiatives.

**METHODOLOGY:**

Committee staff will monitor meetings; communicate with relevant persons and entities, and review reports and any recommendations.

**INTERIM MONITOR PROJECT TITLE:**

*Implementation of Legislation Relating to Siting of and Cost Recovery for a Power Plant*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-321

**BACKGROUND and DESCRIPTION:**

Legislation passed during the 2007 Regular Session provides for advanced cost recovery for the costs of constructing an integrated gasification combined cycle power plant. It requires that when the Public Service Commission is making a determination of the need for a proposed integrated gasification combined cycle power plant, it must consider specified information as to reliability, fuel diversity, and the need for base-load generation.

The bill also provides that it is the policy of this state and the intent of the Legislature that in siting power plants the increasing demands for electrical power plant location and operation be balanced with the broad interests of the public. The major premises of the bill include assuring the citizens of Florida

that renewable energy sources and technologies and conservation measures are utilized to the extent reasonably available. Additionally, the bill requires that when the Public Service Commission is making a determination of the need for any proposed power plant, it must consider whether renewable energy sources and technologies and conservation measures are utilized to the extent reasonably available.

Implementation of this legislation may reveal issues or problems that require additional legislation.

**PROJECT OBJECTIVE(S):**

Monitor implementation of the legislation to be better prepared for any additional legislation to address issues or problems which may arise.

**METHODOLOGY:**

Committee staff will monitor Public Service Commission proceedings on petitions for a determination of need for a proposed power plant.



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# COMMUNITY AFFAIRS

## Interim Projects

**INTERIM PROJECT TITLE:**

*Transparency in Local Government Revenues and Expenditures*

**DATE DUE:** October 1, 2007

**PROJECT NUMBER:** 2008-109

**BACKGROUND and DESCRIPTION:**

During the 2007 Regular Session, the Florida Senate passed legislation to require, in part, that local governments electronically post all revenues and expenditures on the local government's website if one is available, or if not, on the county government's website. The data was to be posted in a uniform format prescribed by the Department of Revenue beginning in 2009, and was to be phased in over a 3-year period beginning with large local governments. Information was to be posted within 3 months of the end of the local government fiscal year, and a summary of all revenues and expenditures made during the fiscal year was to be made available to residents either through an Internet posting, the U.S. mail, or by publication in a newspaper. The legislation further required that counties, cities, school districts, water management districts, and certain special districts begin electronically posting all contracts that are public records. Large local governments were required to start posting contracts of \$25,000 or more beginning in November 2007, and moderate and small local governments were to post contracts of lesser amounts in the two years following. The bill died on the House Calendar.

The legislation was loosely modeled on the Federal Funding and Transparency Act of 2006 which requires the full disclosure of all entities or organizations receiving federal funds beginning in fiscal year 2007 on a website maintained by the Office of Management and Budget.

**PROJECT OBJECTIVE(S):**

The project objective is to develop consensus legislation which will provide a single source for taxpayers to obtain information about local government revenues, expenditures and contracts.

**METHODOLOGY:**

Committee staff will review legislation proposed or enacted by other state governments, and will meet with local government representatives, interested persons from the Florida Association of Counties and the Florida League of Cities, and other legislative and agency staff. Committee staff also will work with all of the interested parties to develop proposed legislation for the 2008 Regular Session.



**INTERIM PROJECT TITLE:**

*Department of Community Affairs – Review of the Front Porch Florida Initiative*

**DATE DUE:** October 1, 2007

**PROJECT NUMBER:** 2008-110

**BACKGROUND and DESCRIPTION:**

The Front Porch Florida Initiative was created in 1999 as a way to rebuild and revitalize distressed neighborhoods within the urban core. The Initiative is a competitive grant program based on selection criteria, including the strength of a community's neighborhood action plan for revitalization, the level of community participation identified to initiate the plan, and the diversity of the neighborhood residents and business owners. The plan contains common priorities for the community such as affordable housing, youth development, improved infrastructure, school performance, neighborhood beautification, and community safety and economic development.

Applications are submitted to the Office of Urban Opportunity in the Division of Housing and Community Development within the Department of Community Affairs. Once a community is designated as a Front Porch Florida community, a revitalization council is elected to oversee implementation of the neighborhood action plan, and a community liaison is selected to staff the neighborhood enterprise. Also, once a community has been designated, it is eligible to receive Front Porch Florida revitalization funds, and can leverage those funds to receive additional funding from other public and private sources. The first six of Florida's twenty Front Porch Florida communities were designated in October, 1999. By October 2002, the remaining 14 communities had been named and designated. More than \$26 million has been awarded to the Front Porch Florida communities since the inception of the Initiative in 1999, and these funds have been used to attract an additional \$82 million in funding from other public and private resources.

The Front Porch Florida Initiative is not a statutory program and the Department of Community Affairs has never been granted specific rulemaking authority to implement Front Porch Florida as a department program. As a result, the Office of Urban Opportunity awards grants on a competitive basis using specific award criteria but the revitalization council oversees the implementation of the neighborhood action plan in conjunction with the community liaison. The department's role is, therefore, limited in assuring accountability for the use of state funds.

**PROJECT OBJECTIVE(S):**

Conduct an in-depth review of the Front Porch Florida Initiative to determine areas in which improvements or revisions to the Initiative may be legislatively implemented.

**METHODOLOGY:**

Committee staff will work with staff from the Department of Community Affairs to review the Front Porch Florida program, the designation process, and the award of grant funds. Committee staff also will interview the revitalization council members and the community liaisons of existing Front Porch Florida communities to receive input on the successes or failures of the Initiative in those areas.

**INTERIM PROJECT TITLE:**

*Local Government Comprehensive Planning Certification Program*

**DATE DUE:** October 1, 2007

**PROJECT NUMBER:** 2008-111

**BACKGROUND and DESCRIPTION:**

The Department of Community Affairs (department) administers the Local Government Comprehensive Planning Certification Program that allows local governments to qualify for less state and regional oversight of the plan amendment process. This is a successor program to the Sustainable Communities Demonstration Project. The purpose of the program is to identify those areas that are contiguous, compact, and appropriate for urban growth and development within a 10-year planning timeframe. To be eligible for certification, a local government, or a combination of local governments, must identify a geographic area where growth will be directed and also have a demonstrated record of effectively adopting, implementing, and enforcing its comprehensive plan. A local government applying for certification must obtain comments from state and regional agencies regarding the appropriateness of the certification and hold at least one public hearing soliciting input on the proposed certification. In addition, the local government must demonstrate that it has adopted programs in its comprehensive plan and land development regulations to promote certain public policy goals, including encouraging urban infill, achieving intergovernmental coordination, redeveloping blighted areas, encouraging mixed-use development, and assuring protection of key natural areas and agricultural lands.

If a local government meets the certification criteria, the department will certify all or part of a local government's jurisdiction by written agreement. This written agreement specifies the boundary of the certification area, a visioning plan or schedule for such plan, baseline conditions, a work program of planning strategies and projects to achieve improvement in the baseline conditions, and criteria to evaluate the effectiveness of the certification process in achieving community development goals. The certification agreement shall expire within 10 years after its execution. State and regional agency review of plan amendments is eliminated if the area that is the subject of the plan amendment lies within the boundaries of a certification area. The department is prohibited from issuing any objections, recommendations, or comments on a proposed plan amendment in a certification area. However, an affected person, as defined in s. 163.3184(1)(a), F.S., may challenge the compliance of an adopted plan amendment within a certification area.

The department is authorized to enter into eight new certification agreements per year. To date, the Cities of Orlando, Lakeland, and Miramar have executed certification agreements. The Office of Program Policy Analysis and Government Accountability is required to evaluate the certification program and submit a report to the President of the Senate, the Speaker of the House of Representatives, and the Governor by December 1, 2007.

**PROJECT OBJECTIVE(S):**

The objective of the project is to evaluate the effectiveness of the certification program and determine whether the program should be revised or eliminated.

**METHODOLOGY:**

Staff will work with the local governments that have executed certification agreements, local governments that have applied or considered applying for certification, the department, developers, and other interested parties to discuss the effectiveness of the program and possible changes to it.

## Mandatory Reviews

**INTERIM MANDATORY REVIEW TITLE:**

*Open Government Sunset Review of s. 119.0713(2), F.S., Personal Information Relating to Eligibility for Paratransit Services and for the Transportation Disadvantaged Program*

**DATE DUE:** October 1, 2007

**PROJECT NUMBER:** 2008-208

**BACKGROUND and DESCRIPTION:**

This is a mandatory Open Government Sunset Review of s. 119.0731(2), F.S., which exempts all personal identifying information in records relating to a person's health held by local government entities or their service providers for the purpose of determining eligibility for paratransit services under Title II of the Americans with Disabilities Act, or eligibility for the Transportation Disadvantaged Program under part I, ch. 427, F.S., and provides conditions under which such confidential and exempt information may be disclosed.

**PROJECT OBJECTIVE(S):**

The objective of the project is to determine if the exemption meets the requirements established under the Open Government Sunset Review Act, created in s. 119.15, F.S., providing for the review and repeal or reenactment of an exemption to the open government requirements of section 24(a), Art. I, State Constitution, and s. 119.07(1) or s. 286.011, F.S.

**METHODOLOGY:**

A survey of local governments will be conducted to determine the need for the exemption. Also, the exemption will be tested under the specific standards set forth in s. 119.15, F.S., to determine if the exemption should be reenacted or repealed.

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*Implementation of School Concurrency*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-322

**BACKGROUND and DESCRIPTION:**

In 2002, the Legislature created an optional public educational facilities element, which could be adopted by a county, in conjunction with the municipalities within the county. This element addresses how the local government will consider the existing and planned capacity of public schools when

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

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

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

**PROJECT OBJECTIVE(S):**

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

**METHODOLOGY:**

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

**INTERIM MONITOR PROJECT TITLE:**

*Pilot Local Government Comprehensive Plan Review Process*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-323

**BACKGROUND and DESCRIPTION:**

A key component of the 2007 growth management legislation designates Pinellas and Broward Counties, the municipalities within those two counties, and the Cities of Jacksonville, Miami, Tampa,

and Hialeah as pilot communities. Municipalities within the pilot counties may elect, by a super majority vote, not to participate in the pilot program. These pilot communities will follow an alternate, expedited process for plan amendments that provides for limited state agency review. The pilot communities will transmit plan amendments, along with supporting data and analyses to specified state agencies and local governmental entities after the first public hearing on the plan amendment. Comments from state agencies may include technical guidance on issues of agency jurisdiction as it relates to part II of ch. 163, F.S., the Growth Management Act. Comments are due back to the local government proposing the plan amendment within 30 days of receipt of the amendment.

Following a second public hearing that shall be an adoption hearing on the plan amendment, the local government shall transmit the amendment with supporting data and analyses to DCA and any other state agency or local government that provided timely comments. An affected person, as defined in s. 163.3184(1)(a), F.S., or DCA may challenge a plan amendment adopted by a pilot community within 30 days after adoption of the amendment. DCA's challenge is limited to those issues raised in the comments by the reviewing agencies. The bill explicitly states the Legislature strongly encourages DCA to focus any challenge on issues of regional or statewide importance. State agencies are prohibited from promulgating rules to implement the pilot program.

**PROJECT OBJECTIVE(S):**

The purpose of this project is to further assess and evaluate the pilot program which can be adapted for use by other local governments and to identify any specific issues that may need to be addressed in the 2008 legislative session.

**METHODOLOGY:**

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

**INTERIM MONITOR PROJECT TITLE:**

*Florida Building Commission- Review of the Florida Energy Code for New Building Construction*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-324

**BACKGROUND and DESCRIPTION:**

During the 2007 Regular Session, the Legislature adopted CS/CS/SB 2836 which requires the Florida Building Commission, in consultation with the Florida Energy Commission, the Building Officials Association of Florida, the Florida Energy Office, and others, to review the Florida Energy Code for new building construction. The building commission is specifically directed to review the analysis of the cost-effectiveness serving as a basis for energy-efficiency levels for residential buildings, and identify cost-effective means to improve energy efficiency in commercial buildings.

**PROJECT OBJECTIVE(S):**

The objective of the review is to provide a report to the Legislature by March 1, 2008, which must include a new energy-efficiency standard that may be adopted into the Florida Building Code as the standard of construction for all new residential, commercial, and government buildings. The objective of

the monitoring project is to prepare for possible legislation which may be filed for consideration by the committee during the 2008 Regular Session.

**METHODOLOGY:**

Committee staff will monitor the efforts of the Florida Building Commission and others to conduct the required review and develop the report due to the Legislature.

**INTERIM MONITOR PROJECT TITLE:**

*Affordable Workforce Housing and the Community Workforce Housing Innovation Pilot Program*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-325

**BACKGROUND and DESCRIPTION:**

During the 2007 Regular Session, the Legislature adopted CS/HB 1375 which contains several provisions relating to workforce housing, including a requirement that the Florida Housing Finance Corporation establish a loan application process for the Community Workforce Housing Innovation Pilot Program (CWHIP). The corporation is authorized to establish a process by rule, and the rule must contain project selection criteria, an application review process, and a funding process for the selection of CWHIP projects. An application review committee is required and the corporation's board of directors is given final authority to select projects for funding and determine the amount of funding for each project selected.

**PROJECT OBJECTIVE(S):**

The project objective is to monitor the progress of local governments in implementing the provisions of the bill relating to workforce housing, as well as follow the corporation's efforts to adopt rules establishing the loan application process to determine the sufficiency of the statutory requirements with regard to the CWHIP loan process.

**METHODOLOGY:**

Committee staff will work with the professional staff of the Senate's Transportation and Economic Development Appropriations Committee, and with the staff of the Florida Housing Finance Corporation to monitor rule development and adoption for the CWHIP loan application process.



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# CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS

## Interim Projects

**INTERIM PROJECT TITLE:**

*Review of Department of Corrections Prison Population Staffing Requirements*

**DATE DUE:** January 4, 2008

**PROJECT NUMBER:** 2008-112

**BACKGROUND and DESCRIPTION:**

Over the past five years the Legislature has funded 23,781 new prison beds in the Department of Corrections (DOC) to address the increased prison population in the state. With the increased prison beds, the Legislature funded approximately 1,972 new FTEs to staff new and existing facilities. Also, a February 2007 OPPAGA report indicated that the department does not use a consistent or reliable method for determining security staffing and might have more correctional officers positions than are necessary to operate the prison system. Staff will review DOC's staffing patterns to make sure there is a solid methodology for determining the most cost efficient method for staffing new prisons.

In addition, the department continues to experience a funding deficit in health services. DOC had to re-bid the Region IV health services contract because the provider terminated the contract in November 2006. The department has incorporated a hybrid model using a combination of state FTEs and private providers. Due to the changes in delivering health services to inmates, the department, through the budget amendment process, has reallocated a large amount of salaries and benefits to the health services appropriation categories to cover program deficits over the past three fiscal years. Staff will review how DOC has allocated the health services budget to determine if the Legislature needs to reallocate these funds into more efficient categories and to determine if there are any cost savings.

**PROJECT OBJECTIVE(S):**

This interim project will analyze the DOC staffing requirement for new prison beds coming online as forecasted by the Criminal Justice Estimating Conference as well as health services requirements. It will also provide information relevant to budgetary decisions that could allow the 2008 Legislature to reallocate any cost savings to other state programs.

**METHODOLOGY:**

Criminal and Civil Justice Appropriations staff will conduct interviews with key staff in DOC to analyze methodologies and policies and procedures for developing staffing requirements and health services funding to meet the current and forecasted prison population. Staff will also communicate with various stakeholders in other states to gather data and information in order to develop recommendations for improvements to the 2008 Legislature.

## Mandatory Reviews

*(None)*



## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*Expansion of Prevention Programs and Reduction of Non-secure Residential Beds in the Department of Juvenile Justice*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-326

**BACKGROUND and DESCRIPTION:**

The 2007 Legislature expanded prevention programs within the Department of Juvenile Justice (DJJ) and reduced the number of non-secure residential treatment beds to focus more resources on prevention services. The department must balance the need for prevention services with residential treatment services. Staff will monitor the department's use of prevention services, detention centers, and residential treatment to ensure that juveniles are placed in the most cost effective services.

**PROJECT OBJECTIVE(S):**

This monitoring project will review the use of prevention services and non-secure residential beds in the department and determine if there is a fiscal impact on juvenile detention centers. It will also provide information relevant to budgetary decisions for the 2008 Legislative Session.

**METHODOLOGY:**

Criminal and Civil Justice Appropriations staff will conduct interviews with key staff in DJJ to analyze methodologies and policies and procedures to address the impact of this non-secure bed reduction in fiscal year 2007-2008. Staff will also meet with various stakeholders around the state to gather data and input information in order to develop recommendations for improvements to the 2008 Legislature.

**INTERIM MONITOR PROJECT TITLE:**

*Department of Corrections Zero-Tolerance Policy*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-327

**BACKGROUND and DESCRIPTION:**

As a result of several high-profile murders in Florida by offenders on probation, the Department of Corrections expanded upon a zero-tolerance policy which required probation officers to report all supervision violations, including new crimes and technical violations, to the courts or Parole Commission. Because the policy has had a substantial effect on the number of technical probation violators seen in the courts, subsequently sentenced to jail or prison, the Legislature enacted legislation, CS/CS for Senate Bill 1792, to provide alternatives to detaining technical violators. The bill directs the Department of Corrections to send the courts a notification letter of a technical violation in lieu of a violation report, affidavit, and warrant for arrest when the alleged violation is not a new felony or misdemeanor offense. The court can then decide, based on information provided, whether the violator should be issued a warrant for arrest or notice to appear before the court. This may reduce the number of non-violent technical violators arrested, held in county jail, or sent to prison for minor infractions.

Senate staff will monitor the effect of legislation on the Department of Corrections' zero-tolerance policy.

**PROJECT OBJECTIVE(S):**

The project will ensure that the Department of Corrections addresses legislative intent related to supervision of felony offenders and reporting of technical violations to the courts.

**METHODOLOGY:**

Senate staff will monitor the Department of Corrections' zero-tolerance policy, and changes in processes that may decrease court costs and incarceration rates for non-violent felony offenders with technical probation violations.

**INTERIM MONITOR PROJECT TITLE:**

*Department of Juvenile Justice Billing Processes for the Counties Share of the Cost of Juvenile Detention*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-328

**BACKGROUND and DESCRIPTION:**

The 2004 Legislature enacted section 985.686, F.S., (SB 2564), which increases the fiscal responsibility of counties for public safety issues related to juvenile detention services. The bill requires each county to budget the cost of pre-adjudication detention of juveniles who reside in that county. The 2007 Legislature provided additional staff in the Department of Juvenile Justice (DJJ) to improve the billing process for shared county cost of juvenile detention. Staff will monitor the implementation of a new billing process by the department that will include all stakeholders, in order to bill the counties for current year expenditures versus prior year expenditures.

**PROJECT OBJECTIVE(S):**

This monitoring project will ensure that DJJ addresses legislative intent related to developing a new billing process for the counties' share of the cost of juvenile detention. It will also provide information relevant to budgetary decisions for the 2008 Legislative Session.

**METHODOLOGY:**

Criminal and Civil Justice Appropriations staff will conduct interviews with key staff in DJJ to analyze methodologies and policies and procedures for developing a new billing process for counties in fiscal year 2007-2008. Staff will also meet with various stakeholders around the state to gather data and input information in order to develop recommendations for improvements to the 2008 Legislature.

**INTERIM MONITOR PROJECT TITLE:**

***Regional Conflict Counsel Offices and Indigent Representation***

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-329

**BACKGROUND and DESCRIPTION:**

Chapter 2007-62, L.O.F., (conference report on SB 1088) revises the process whereby indigent persons and certain other eligible persons are provided criminal and civil representation at state expense. The bill creates five offices of criminal conflict and civil regional counsel to provide this representation. When the regional counsels have a conflict of interest, the case will be assigned to a private attorney. Prior to the passage of this legislation, the state exclusively used private, court appointed counsel for legal representation specified above. Court appointed counsel has not always notified the Justice Administrative Commission when he or she begins a case. This has lead to the Justice Administrative Commission being unable to specify the unpaid liability for attorney fees and other due process costs. Estimates of the liability ranged greatly, from \$48.5 million to \$97 million. The Legislature appropriated up to \$50 million to pay for court appointed counsel for cases begun between July 1, 2004 and June 30, 2007.

**PROJECT OBJECTIVE(S):**

The project will monitor the implementation of the five offices of criminal conflict and civil regional counsel. The project will also develop methods to estimate the state liability for unpaid attorney fees and case costs for criminal conflict cases and dependency cases. The project will monitor requirements that court appointed counsel notify the state when beginning a case. The project will develop estimates of the state liability for use in the 2008 appropriations process.

**METHODOLOGY:**

Staff will conduct interviews with staff from the Governor's Office, Justice Administrative Commission, and the state court system and review documents to monitor implementation of the five offices of criminal conflict and civil regional counsel. The project will also monitor efforts to identify outstanding criminal conflict cases and dependency cases based on court caseload data maintained by the clerk of courts, the public defenders, and the Justice Administrative Commission.

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# CRIMINAL JUSTICE

## Interim Projects

**INTERIM PROJECT TITLE:**

*Firearm Purchase and Possession by the Mentally Ill*

**DATE DUE:** November 1, 2007

**PROJECT NUMBER:** 2008-113

**BACKGROUND and DESCRIPTION:**

The 2006 Legislature amended s. 790.065 F.S., to require the Florida Department of Law Enforcement (FDLE) to compile and maintain an automated database of persons prohibited from purchasing a firearm because they have been adjudicated mentally defective or have been committed to a mental institution by a court. The Clerks of Court are directed by this law to forward the pertinent records to FDLE. There are statutory expectations with regard to the timeliness of the record delivery to FDLE by the Clerks as well as parameters for record disclosure by FDLE.

Given the recent tragedy at Virginia Tech University, this area of Florida's law should undergo close examination. The alleged perpetrator of the mass killings at Virginia Tech University was a mentally unstable person who had been before a court and was required to get treatment prior to his purchasing the firearms he allegedly used to kill his fellow students. According to media accounts, conflicting interpretations between federal and state laws allowed this mentally ill person to legally purchase a firearm.

**PROJECT OBJECTIVE(S):**

Staff will look at the implementation and the effectiveness of the 2006 revision to s. 790.065, F.S., and identify any systemic issues, unintended consequences, or potential improvements to the law.

**METHODOLOGY:**

Staff will work closely with FDLE and the courts to gather the information and data necessary for an assessment of the way the system of record sharing and reporting is actually accomplished. Staff will also work with the Department of Agriculture and Consumer Services, focusing on the application of the law in the area of concealed firearm licensure. Any perceived problems will be fully investigated and addressed. Should there be a need to recommend changes to the current law, staff will make those suggestions by way of a proposed committee bill during the 2008 Legislative Session.

**INTERIM PROJECT TITLE:**

***Rules for Restoration of Civil Rights for Felons and Impacts on Obtaining Occupational Licenses and Other Opportunities***

**DATE DUE:** December 1, 2007

**PROJECT NUMBER:** 2008-114

**BACKGROUND and DESCRIPTION:**

On April 5, 2007, the Governor and Cabinet revised the Rules of Executive Clemency to address restoration of civil rights for convicted felons. The new rules make felons eligible for restoration after completion of sentence, including several hundred thousand persons who have previously been convicted of a felony.

**PROJECT OBJECTIVE(S):**

This project will describe the new rules concerning restoration of civil rights and compare them with the former rules. Implementation of the restoration of civil rights process will be examined. The impact of the new rules upon eligibility for professional and occupational licenses will be considered, including whether legislation is needed to remove remaining impediments to employment or to other opportunities that do not have a relationship to the specific crime that was committed.

**METHODOLOGY:**

Staff will review the current and former Rules of Executive Clemency and review reports of the Ex-Offender Task Force and other groups that have examined re-entry issues. Staff will gather information from and the perspectives of representatives of the Parole Commission, Department of Corrections, Department of Law Enforcement, Cabinet, and other entities that are involved in the restoration of civil rights process. Statutes will be examined to analyze the effect of restoration of civil rights from both an individual and societal perspective.

**INTERIM PROJECT TITLE:**

***Salvia Divinorum and Salvinorin A as Controlled Substances***

**DATE DUE:** November 1, 2007

**PROJECT NUMBER:** 2008-115

**BACKGROUND and DESCRIPTION:**

There have been reported cases in Florida and other states of the use of the hallucinogens Salvia divinorum and Salvinorin A. Salvia divinorum is a perennial herb in the mint family. Salvinorin A is an active constituent of Salvia divinorum. Neither substance has an approved medical use in the United States. According to the DEA, “[t]here has been interest among young adults and adolescents to discover ethnobotanical plants that can induce hallucinations, changes in perception, and other psychological effects.” The DEA further reports that “Salvia divinorum is chewed or smoked to induce illusions and hallucinations, the diversity of which is described by users as similar to those induced by ketamine, mescaline, or psilocybin.”

Currently, Salvia divinorum and Salvinorin A are not controlled substances in Florida. Laws have been passed or legislation has been introduced in a number of states, including Florida, to regulate or

schedule Salvia divinorum and Salvinorin A. Recently, the Miami-Dade County Commission recommended that the Legislature add Salvia divinorum and Salvinorin A to Schedule I of Florida's controlled substance schedules.

**PROJECT OBJECTIVE(S):**

Staff will report recent information regarding Salvia divinorum and Salvinorin A and efforts to regulate or schedule these substances so that legislators may assess whether these substances should be regulated or scheduled.

**METHODOLOGY:**

Staff will review laws and legislation, medical studies, and other documents relevant to the question of scheduling Salvia divinorum and Salvinorin A. Staff will also confer with the Florida Department of Law Enforcement, the Department of Health, the Department of Agriculture and Consumer Services, the Florida Office of Drug Control, and the Office of the Attorney General.

## Mandatory Reviews

**INTERIM MANDATORY REVIEW TITLE:**

*Open Government Sunset Review of Section 119.071(2)(h)2., F.S., Photographs, Videotapes, or Images of Sexual Offense Victims*

**DATE DUE:** October 1, 2007

**PROJECT NUMBER:** 2008-209

**BACKGROUND and DESCRIPTION:**

Chapter 2003-157, L.O.F., created an exemption to public records requirements, which is currently found at s. 119.071(2)(h)2., F.S. A photograph, videotape, or image of any part of the body of the victim of a sexual offense prohibited under ch. 794, F.S., ch. 800, F.S., or ch. 827, F.S., regardless of whether the photograph, videotape, or image identifies the victim, is confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution. This exemption applies to photographs, videotapes, or images held as criminal intelligence information or criminal investigative information before, on, or after the effective date of the exemption. This exemption is scheduled for review, and shall stand repealed on October 2, 2008, unless reviewed and saved from repeal through reenactment by the Legislature.

**PROJECT OBJECTIVE(S):**

Staff will review the public records exemption in s. 119.071(2)(h)2., F.S., to determine if it meets the standards established in the Open Government Sunset Review Act (s. 119.15, F.S.) and to recommend whether the exemption should be saved from repeal or permitted to sunset.

**METHODOLOGY:**

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

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*Anti-Murder Act*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-330

**BACKGROUND and DESCRIPTION:**

The Anti-Murder Act (Chapter 2007-2, Laws of Florida), became law on March 12, 2007. It prohibits certain categories of probationers or community controllees who are alleged to have violated a condition of supervision from being released from jail pending resolution of the violation charge. The Act also increases the sentencing points that are assessed for a violation, and requires that a violator be sentenced to prison unless the sentencing judge has made a written determination that the violator is not a danger to the community.

**PROJECT OBJECTIVE(S):**

This project will assess whether the Anti-Murder Act changes judicial behavior regarding pre-hearing incarceration of alleged community supervision violators to such an extent that county jail populations increase significantly. It will also monitor whether other legislation, such as the specific authorization of notices to appear for alleged violators who do not meet Anti-Murder Act criteria, mitigates the Act's effect on jail population.

**METHODOLOGY:**

Staff will make direct contact and review available information sources to obtain information from Sheriffs, the Office of the State Courts Administrator, and other relevant entities concerning the impact of the Anti-Murder Act upon local jail populations.

**INTERIM MONITOR PROJECT TITLE:**

*Cybercrimes Against Children Act*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-331

**BACKGROUND and DESCRIPTION:**

The Cybercrimes Against Children Act of 2007 will become effective on October 1, 2007, if approved by the Governor. It enhances penalties for possession of certain types of child pornography, expands the scope of laws prohibiting use of the Internet to influence a child to commit sexual acts, and criminalizes misrepresenting age in the course of committing certain offenses and traveling to meet a minor to engage in unlawful sexual conduct. Sexual predators and sexual offenders will be required to register or update any email address and instant message name with FDLE prior to use. FDLE must establish a method for online registration and is authorized to provide the information to social networking websites, which can use the information to screen for those users.

The Act also expands the investigative and prosecutorial authority of the Office of Statewide Prosecution and the jurisdiction of the statewide grand jury to include violations of ch. 827, F.S. (child abuse), when the crime is facilitated by or connected to use of the Internet.

As a complement to the Act, funds were appropriated to add 50 employees to the Attorney General's Child Predator CyberCrime Unit.

**PROJECT OBJECTIVE(S):**

This project will assess the impact of the Act and the expansion of the CyberCrime Unit upon enforcement of child pornography laws in Florida. In addition, the development of FDLE's online e-mail address registration system will be monitored for offender compliance as well as use of the database by social networking sites.

**METHODOLOGY:**

Staff will obtain progress updates from the Office of the Attorney General and FDLE. A site visit to observe the operations of the CyberCrime Unit is anticipated. Media reports relating to child pornography arrests and prosecutions will be monitored. Social networking sites will be directly contacted, and media reports and other resources that relate to security efforts by social networking sites will also be monitored.

**INTERIM MONITOR PROJECT TITLE:**

*Federal Legislation Punishing Marketing Controlled Substances to Minors*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-332

**BACKGROUND and DESCRIPTION:**

On April 25, 2007, U.S. Senators Dianne Feinstein and Charles Grassley introduced SB 1211 (the "Saving Kids from Dangerous Drugs Act of 2007") to amend the federal Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors. It has been reported that drug traffickers have been cutting methamphetamine with candies, soda drinks, and other materials. One recently reported variation has been referred to as "Strawberry Quick." Methamphetamine is mixed with a strawberry-flavored children's drink mix, which gives the drug a pink coloring and may make the drug more palatable. Some officials have expressed concern that drug traffickers may be adding the drink mix to the drug to attract youth to use methamphetamine.

**PROJECT OBJECTIVE(S):**

Staff will monitor the progress of the federal legislation and any similar state legislation that may be introduced.

**METHODOLOGY:**

Staff will track the progress of the federal bill and any similar state legislation and review articles, transcripts, and other materials relevant to the legislation.



**INTERIM MONITOR PROJECT TITLE:**

*Implementation of Recommendations of the Governor's Ex-Offender Task Force*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-333

**BACKGROUND and DESCRIPTION:**

The Governor's Ex-Offender Task Force was created by Executive Order 05-28 on February 7, 2005, with the purpose of helping to "improve the effectiveness of the State of Florida in facilitating the re-entry of ex-offenders into their communities so as to reduce the incidence of recidivism." The task force was to identify barriers to re-entry and to provide recommendations for reform, as well as ways to implement and measure the success of the reforms. The task force issued its final report in November 2006 and a supplemental report in January 2007, and it expired in February 2007.

**PROJECT OBJECTIVE(S):**

The project will review the recommendations of the Task Force and determine the extent to which recommendations are being implemented.

**METHODOLOGY:**

When the recommendation is specific to a particular entity, representatives of that entity will be contacted to assess any progress in implementation. In addition, the former chairman of the Task Force will be periodically contacted, and media will be monitored for information concerning the areas addressed by Task Force recommendations.

**INTERIM MONITOR PROJECT TITLE:**

*Juvenile Immigration Status Screening Program*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-334

**BACKGROUND and DESCRIPTION:**

During the 2006 Session, the General Appropriations Act provided \$48,915 in non-recurring general revenue funds to the Department of Juvenile Justice (DJJ) for citizenship screening of juveniles in the department's care and custody. This appropriation was an attempt to reduce the frequency of crimes committed by non-U.S. juvenile citizens through careful screening and subsequent reporting of such to the United States Immigration and Customs Enforcement (ICE). According to the DJJ, the impetus for this screening process was an incident in South Florida in which a 17-year old male, a non-U.S. citizen, who had previously been in the department's custody for unrelated charges, abducted an 8-year old female. She was sexually assaulted and abandoned in a landfill. The juvenile was later arrested and charged as an adult for this assault.

Legislation (CS/SB 732) was heard by the Criminal Justice Committee during the 2007 Legislative Session that would have required the DJJ to establish an immigration status screening program within the limits of specific appropriations for this purpose. This bill appeared to codify the department's current practice of screening a large random sample of juveniles entering secure detention. It did not pass the Legislature.

**PROJECT OBJECTIVE(S):**

Staff will monitor this immigration screening program within the DJJ to better inform members whether it needs to be continued.

**METHODOLOGY:**

Staff will maintain contact with the DJJ in an attempt to monitor the program's effectiveness.

**INTERIM MONITOR PROJECT TITLE:**

*Juvenile's Right to Consult with Counsel Prior to Waiver of Such Right*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-335

**BACKGROUND and DESCRIPTION:**

In 2005, the Supreme Court of Florida considered the biennial report of the Juvenile Rules Committee, and elected not to adopt a recommended rule change requiring a juvenile to consult with an attorney prior to waiving his or her right to counsel. The Court observed that there was a potential financial impact with regard to this change and suggested the Legislature consider statutory revisions instead. The Court did not reject the proposed rule change, but rather deferred its consideration until after the Legislature had a chance to act. *Amendments to the Florida Rules of Juvenile Procedure*, 894 So.2d 875 (Fla. 2005). Since then, legislation that was voted favorably by the Criminal Justice Committee has died during each session.

**PROJECT OBJECTIVE(S):**

Staff will monitor the actions of the Florida Supreme Court with regard to this issue in anticipation of legislative changes being necessary.

**METHODOLOGY:**

Attend any court hearings or scheduled arguments before the Court on this issue.

**INTERIM MONITOR PROJECT TITLE:**

*Knowledge of a Police Officer's Status as an Element of Resisting Arrest with Violence*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-336

**BACKGROUND and DESCRIPTION:**

The Florida Supreme Court has accepted jurisdiction to consider the question of whether the offense of resisting an officer with violence (s. 843.01, F.S.) includes knowledge of the police officer's status as an essential element. *Gary Lamar Polite v. State of Florida*, Case No. SC06-1401. Oral argument was held on May 9, 2007.

**PROJECT OBJECTIVE(S):**

Staff will advise legislators on the Court's resolution of this question.

**METHODOLOGY:**

Staff will review the video of the oral argument, relevant decisions of the lower courts, the briefs filed in the Florida Supreme Court case, and the Court's decision when it issues.

**INTERIM MONITOR PROJECT TITLE:**

*Review of the Impact of Sex Offender Residency Restrictions on the Availability of Legal Residences and on Monitoring of Sex Offenders*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-337

**BACKGROUND and DESCRIPTION:**

State law prohibits many sex offenders and sex predators from living within 1000 feet of a school, day care center, park, playground, or other place where children regularly congregate. Ninety-six local governments, including ten entire counties, have passed residence exclusion ordinances that extend the exclusion zone, with 2500 feet being most common. The proliferation of exclusion zones has reportedly made it difficult for sex offenders and sex predators to find a place of legal residence in many communities. This raises the concern that offenders may quit reporting their residences, resulting in loss of visibility to the criminal justice community and the public. An additional concern is whether an ordinance can restrict the availability of lawful residences to a point where a court determines that the ordinance is unconstitutional.

**PROJECT OBJECTIVE(S):**

The project will review existing and newly created residency exclusion laws to determine the extent to which they restrict available residences in a locality. In locations where lawful residences are significantly limited, further attention will be given to whether there are indications of decreased reporting by sex offenders.

**METHODOLOGY:**

The geographical impact of residency exclusion laws will be assessed through use of GIS or other mapping resources. The impact of the laws on offender supervision and visibility will be assessed through monitoring of media reports and contacts with local law enforcement agencies and Department of Corrections personnel.

**INTERIM MONITOR PROJECT TITLE:**

*Review Implementation of Legislation Addressing Requirements of the Federal Adam Walsh Act*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-338

**BACKGROUND and DESCRIPTION:**

CS/CS/SB 1604, 1st Eng. passed during the 2007 Regular Session. The bill makes numerous modifications to Florida's sexual predator and sexual offender registration laws to address requirements of the federal Adam Walsh Child Protection and Safety Act of 2006 (Pub.L. No. 109-248), including: requiring juveniles adjudicated delinquent of certain crimes to register as sexual offenders; providing an

expedited process for some youthful sex offenders to seek removal from registration requirements; requiring sexual predators and certain sexual offenders to report in person at the sheriff's office every three months; requiring reporting by specified agencies of sexual predators' and sexual offenders' noncompliance with registration requirements; and requiring the Florida Department of Law Enforcement (FDLE) to develop and maintain a system to provide automatic notification of registration information regarding sexual predators and sexual offenders to the public.

**PROJECT OBJECTIVE(S):**

Staff will monitor implementation of the legislation to determine if its provisions are sufficient to implement requirements of the federal Adam Walsh Act.

**METHODOLOGY:**

Staff will confer with the FDLE and other affected agencies regarding implementation of the legislation.

**INTERIM MONITOR PROJECT TITLE:**

*Use of Notices to Appear*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-339

**BACKGROUND and DESCRIPTION:**

In 2007, the Legislature amended s. 948.06, F.S., to specifically authorize judges to issue a notice to appear for an offender who is accused of violating conditions of community supervision. The notice to appear cannot be used if the offender has committed a qualifying offense as defined in the Anti-Murder Act. One of the objectives of specifically authorizing the use of notices to appear was to give the courts a method to free up jail space by not jailing offenders who do not have a violent history and do not appear to pose a threat to the public. The amendment will take effect upon being signed by the Governor.

**PROJECT OBJECTIVE(S):**

The project will monitor whether and how often judges are using notices to appear in lieu of arrest warrants, and the dispositions of cases in which notices to appear were issued.

**METHODOLOGY:**

Staff will obtain information from the Office of the State Courts Administrator, Clerks of Court, the Department of Corrections, and other entities concerning the use of notices to appear and disposition of cases.



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# EDUCATION PRE-K – 12

## Interim Projects

**INTERIM PROJECT TITLE:**

*Student Participation in Visual and Performing Arts Education*

**DATE DUE:** December 1, 2007

**PROJECT NUMBER:** 2008-116

**BACKGROUND and DESCRIPTION:**

Education in the performing and visual arts is provided in elementary and secondary educational programs. One credit in fine or performing arts is required for high school graduation. As academic requirements have become more rigorous under the A+ and A++ plans, proponents of arts education have expressed concern that there might not be enough time in the school day for arts education.

**PROJECT OBJECTIVE(S):**

To provide an overview of the opportunities for students to participate in visual and performing arts education in K-12 public schools.

**METHODOLOGY:**

Committee staff will review data for students enrolled in visual and performing arts courses, reported separately for music, visual arts, theatre, debate, and dance by grade level as well as data for high school students' major areas of interest in fine and performing arts. Staff will interview educators in selected school districts regarding special performing arts programs, partnerships with local businesses that specialize in the arts, and volunteer programs involving the arts.

**INTERIM PROJECT TITLE:**

*Review of Department of Education and State Board of Education Responsibilities in Public School Management*

**DATE DUE:** December 1, 2007

**PROJECT NUMBER:** 2008-117

**BACKGROUND and DESCRIPTION:**

The Department of Education (DOE) and the State Board of Education (SBE) are currently tasked with a variety of oversight duties and responsibilities over local district school boards. A number of statutes provide the DOE and the SBE with supervisory authority over the district school boards, including in the area of planning and operations. State jurisdiction over school districts is clearly recommended when the statutory authority tracks federal law, or the subject protects the health, safety, and welfare of students. For other areas of education, however, it may be more appropriate to assign a task or duty to the local school board, rather than the DOE or the SBE, to maximize efficiency and reduce duplication. Additionally, it may be appropriate for some responsibilities and accountability to be assigned at the school level to ensure that significant decisions are made with the involvement of parents and teachers.

**PROJECT OBJECTIVE(S):**

To identify areas in public pre-K through 12 education where current management functions and accountability assigned to the Department of Education and the State Board of Education could be appropriately transferred to the local school districts and to schools.

**METHODOLOGY:**

Staff will review the Florida Statutes to determine whether specific functions within the jurisdiction of the Department of Education and the State Board of Education can more efficiently be managed at the local school district level and the school level.

**INTERIM PROJECT TITLE:**

*Reporting and Investigating Allegations of Child Abuse By District School Board Employees*

**DATE DUE:** November 1, 2007

**PROJECT NUMBER:** 2008-118

**BACKGROUND and DESCRIPTION:**

Current law (s.1006.061, F.S.) requires each district school board to post in a prominent place in each school a notice that all employees and agents of the district school board have an affirmative duty to report actual or suspected cases of child abuse. The notice must include the central abuse hotline telephone number.

Allegations of child abuse by school personnel are investigated by the Department of Children and Family Services (DCF). Under the requirements of s. 39.302, F.S., when the abuse is alleged to have been perpetrated by a school employee, the DCF must orally notify the appropriate state attorney, law enforcement agency, and licensing agency.

The Department of Education (DOE) investigates and prosecutes complaints related to the practice of the education profession. Under s. 1012.796, F.S., the DOE is required to investigate any legally sufficient complaint that contains grounds for the revocation or suspension of an educator's certificate. Complaints of child abuse or neglect or inappropriate conduct, discipline, or comments have to be investigated. Each school district must file all legally sufficient complaints in writing with the DOE within 30 days after the date on which the subject matter of the complaint came to the attention of the school district. The Education Practices Commission is responsible for interpreting and applying the standard of professional practice established by the State Board of Education. Section 1012.79, F.S., provides for the Commission to take disciplinary action against instructional and administrative personnel.

The Sarasota Herald Tribune recently completed an investigative report detailing numerous incidents of child abuse by school employees. The report alleges serious flaws in the system currently in place and used by local school districts to report allegations and perform follow-up investigations. The Commissioner of Education subsequently released a statement to the public and the press outlining scheduled changes to the Department of Education's role in conducting investigations, including more effective training of employees responsible for responding to district-reported allegations of abuse by teachers and staff.

**PROJECT OBJECTIVE(S):**

To report on current district school board policies and procedures related to the reporting, investigation, and adjudication of allegations of child abuse by district school board employees and to recommend changes, if necessary.

**METHODOLOGY:**

Staff will survey district school boards to assess current policies and procedures and to determine compliance with existing law. Staff will consult the DCF, the Education Practices Commission, and the Department of Legal Affairs. Staff will also review the most effective policies and procedures identified in the literature and currently used in Florida school districts and other states.

**INTERIM PROJECT TITLE:**

*Consolidation of Leadership For Effective Career Education*

**DATE DUE:** October 1, 2007

**PROJECT NUMBER:** 2008-119

**BACKGROUND and DESCRIPTION:**

The 2007 Florida Legislature passed legislation that will foster comprehensive changes to career and professional education in Florida's secondary schools. Historically, several agencies have been involved in bridging connections between the education community and the business world, resulting at times in duplication of effort and differing views of the role of secondary education in preparing students for the world of work. To effectively implement this legislation, it is imperative that all agencies work together efficiently and cohesively toward a common vision, with clearly defined roles and responsibilities.

**PROJECT OBJECTIVE(S):**

To provide a report with recommendations for the most efficient and effective leadership and oversight for career and professional education and to define key roles and areas of jurisdiction and responsibility for agencies involved in secondary career education.

**METHODOLOGY:**

Staff will interview and consult with the state's secondary career education programs and partnering business organizations to determine the most effective support needed to enhance streamlined education and business partnerships and to foster a prosperous Florida workforce.

**INTERIM PROJECT TITLE:**

*Charter School Accountability*

**DATE DUE:** November 1, 2007

**PROJECT NUMBER:** 2008-120

**BACKGROUND and DESCRIPTION:**

In 2006, there were 333 charter schools in Florida. Enrollment rolls for the 2005-2006 school year show in excess of 92,000 Florida students attending charter schools. For the 2005-2006 school year,



more than 50 new charter schools had opened. Over the last four years, many changes have been made to the charter school laws.

**PROJECT OBJECTIVE(S):**

The scope of the review includes charter school financial management, governance, student academic performance, school grades under the state’s accountability system, and compliance with class size requirements. The purpose of the review is to determine if changes are needed to improve charter school accountability.

**METHODOLOGY:**

Committee staff will review charter school reports, including those issued by the Office of Program Policy Analysis and Government Accountability. Staff will also consult with the Senate Education Pre-K – 12 Appropriations Committee, the Department of Education, and interested stakeholders.

## Mandatory Reviews

(None)

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*Merit Award Program for Instructional Personnel and School-based Administrators*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-340

**BACKGROUND and DESCRIPTION:**

Chapter 2007-3, L.O.F., created a voluntary performance pay program, the Merit Award Program, for instructional personnel and school-based administrators. In order to be eligible for funding under the program, school districts must adopt plans that designate outstanding performers to receive a merit-based pay supplement. Participating school districts determine eligibility for the merit-based pay supplement based upon student academic proficiency, learning gains, or both as measured by statewide standardized assessments and local district-determined assessments, as well as other performance factors.

The Special Teachers are Rewarded (STAR) proviso was repealed and funds were reappropriated for FY 2006-2007. The law allows funds to be used by school districts for the following: a STAR performance pay plan; a performance pay plan adopted under s. 1012.22, F.S., as amended to conform to the statutory provisions for eligibility criteria, pay structure, and assessments established for the merit award program in s.1012.225, F.S.; or a performance pay plan approved by the district school board under the provisions of the new law.

**PROJECT OBJECTIVE(S):**

The project’s purpose is to monitor the impact of the changes made by the Legislature for performance pay to identify any issues that may require legislative action.

**METHODOLOGY:**

Committee staff activities will include the following:

- Consult with school districts and the Department of Education to obtain information related to school district and charter school plans for the award of funds for performance pay policies.
- Monitor the adoption of related administrative rules and review other related information as available, including end-of-course exams.

**INTERIM MONITOR PROJECT TITLE:**

*High-Performing School Districts*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-341

**BACKGROUND and DESCRIPTION:**

The 2007 Legislature enacted legislation to provide flexibility for academically high-performing school districts that meet and continue to comply with statutory eligibility criteria. An academically high-performing school district is exempt from the following statutory requirements: program expenditure levels in the Florida Education Finance Program (FEFP) for kindergarten through grade 12; annual K-12 comprehensive reading plans; requirements for covered walkways for portables; the use of portable facilities; procurement of instructional materials through the state depository; and restrictions relating to the use of 50 percent of the instructional materials allocation.

The legislation also authorizes school districts to use the 2-mill discretionary capital improvement millage to pay premiums for property and casualty insurance for educational and ancillary plants. In order to use this flexibility, a district must meet statutory criteria, including certifying to the Commissioner of Education that all of the district's instructional space needs for the next five years can be met from capital outlay sources the district reasonably expects to receive during the next five years from local revenues and from currently appropriated state facilities funding or from alternative scheduling or construction, leasing, rezoning, or technological methodologies that exhibit sound management.

**PROJECT OBJECTIVE(S):**

The project's purpose is to monitor and review the designation process and the certification to the Commissioner that is required in order to use the discretionary capital improvement millage for insurance premiums.

**METHODOLOGY:**

Committee staff will monitor the actions of school districts that wish to be designated as high performing districts or to use the two-mill discretionary capital improvement millage to pay for property and casualty insurance premiums. Staff will also consult with the Department of Education on certifications to the Commissioner by school districts.

**INTERIM MONITOR PROJECT TITLE:**  
*Career and Professional Academies*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-342

**BACKGROUND and DESCRIPTION:**

The 2007 Legislature passed legislation to establish a rigorous framework and weighted funding for specific high-skill career and professional academies at the secondary level. The statutory provisions outlined in the legislation provide a departure from historically operated high school vocational programs.

**PROJECT OBJECTIVE(S):**

The purpose of the interim project is to monitor the implementation of career and professional academies based on the requirements outlined in statute and to provide recommendations for any support necessary between and among the different agencies, school districts, and businesses involved in the implementation of the academies.

**METHODOLOGY:**

Staff will monitor the Agency for Workforce Innovation's publication of industry certifications, the Department of Education's role in supporting the development of five-year strategic plans, and a streamlined process for acceptance of newly proposed and rigorous career education courses that meet core credit requirements.

**INTERIM MONITOR PROJECT TITLE:**  
*Florida Comprehensive Assessment Test*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-343

**BACKGROUND and DESCRIPTION:**

The Florida Comprehensive Assessment Test (FCAT), which is administered to students in grades 3-11, is used to measure student achievement and student learning gains from year to year. The FCAT is a key component of Florida's process for gauging student achievement of the Sunshine State Standards, and for determining Adequate Yearly Progress (AYP) as required by the federal No Child Left Behind (NCLB) Act. A student's FCAT scores influence the student's progression from grade to grade and eligibility for supplemental instructional services and support. FCAT scores are used to calculate school grades under Florida's accountability system and to determine the eligibility of teachers and school administrators for annual performance incentive pay rewards. Consistency in the difficulty of the test from year to year is essential if the test is to be used for these purposes.

The Department of Education (DOE) recently announced variations in the third grade FCAT reading test which potentially indicate that the 2006 third-grade reading test was not properly equated, resulting in a 2006 test which was less difficult than third-grade reading tests in other years. The DOE announced that it will recalculate third grade reading scores for 2006 in order to establish a proper base-line for accurately measuring annual learning gains, but the recalculation will not be used to create a

negative impact on any student, teacher, school, or school district in that third-grade testing group. The DOE also announced it will convene an external advisory group to assist the Department in identifying an external group of testing experts to review the data from 2006 and recommend a procedure for establishing an annual review of the test. The DOE will conduct an independent review of FCAT results each year.

**PROJECT OBJECTIVE(S):**

To monitor the Department of Education's oversight of the FCAT test and the establishment of an external review process for the FCAT.

**METHODOLOGY:**

Committee staff will monitor the DOE's republication of third grade FCAT reading scores for 2006, the establishment of an external advisory group to identify independent testing experts, the review of 2006 data by the testing experts, and the establishment of an annual review of the test.



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# EDUCATION PRE-K 12 APPROPRIATIONS

## Interim Projects

**INTERIM PROJECT TITLE:**

*Review of K-12 Virtual Education*

**DATE DUE:** January 2, 2008

**PROJECT NUMBER:** 2008-121

**BACKGROUND and DESCRIPTION:**

According to the Southern Regional Education Board's (SREB) 2006 *Report on State Virtual Schools*, SREB states, which include Florida, lead the nation in the number of state virtual schools that have been implemented. Nearly all SREB states have a state virtual school, and most of the remaining states are either planning or beginning the initial implementation of one.

Funded through the Florida Education Finance Program (FEFP), the state-sponsored Florida Virtual School (FLVS) provides on-line and distance learning education; however, it does not award high school diplomas. Most students enroll in one or two courses to supplement their education. The FLVS must give priority to home education students, students living in inner-city and rural high schools who do not have access to higher-level courses, and those seeking to graduate at least one semester early. Seven school districts currently have a franchise agreement to deliver FLVS on-line courses to students within their districts. The 2007 Legislature provided \$55.7 million for the FLVS.

The K-8 Virtual School Program offers on-line and distance learning to full-time students from kindergarten through 8<sup>th</sup> grade. The Department of Education contracts with the Florida Virtual Academy and the Florida Connections Academy to provide K-8 virtual education. A student is eligible to participate in the program if he or she meets the eligibility criteria in s. 1002.415(5)(a), F.S. The 2007 Legislature appropriated \$9.5 million for the program for grants of up to \$5,050 per student.

**PROJECT OBJECTIVE(S):**

The purpose of this interim project is to review the curriculum and instruction, student access and performance, delivery system, and fiscal resources related to the FLVS, the K-8 Virtual Schools, and other virtual schools.

**METHODOLOGY:**

Committee staff will conduct the project in conjunction with the Senate Education Pre-K – 12 Committee. Staff will review the literature and state and national reports related to elementary and secondary virtual education. Additionally, staff will consult with the Department of Education, the FLVS, and other virtual schools.

**INTERIM PROJECT TITLE:**

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

**DATE DUE:** October 1, 2007

**PROJECT NUMBER:** 2008-122

**BACKGROUND and DESCRIPTION:**

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.

**PROJECT OBJECTIVE(S):**

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

**METHODOLOGY:**

Last year's Senate post-session education publication will be reviewed to determine whether all types of information previously included are still useful or should be modified or enhanced. Once this determination is made, appropriations staff will work with DOE and BOG 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. Adjustments to the information will be made following Governor's vetoes.

## **Mandatory Reviews**

*(None)*

## **Monitor Projects**

**INTERIM MONITOR PROJECT TITLE:**

*Class Size Reduction Compliance*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-344

**BACKGROUND and DESCRIPTION:**

The Class Size Reduction Program was created by the 2003 legislature as a result of the adoption of a 2002 amendment to the Florida Constitution. Currently, districts are required to reduce the average school class size by two students. Starting in 2008-2009, districts will be required to reduce individual classes by two students to achieve full implementation by 2010-2011, when classrooms for

prekindergarten to grade 3, grades 4 to 8, and grades 9 to 12 will be required to have no more than 18, 22, and 25 students respectively. Since adoption of the Constitutional Amendment, the Legislature has provided \$7.8 billion for operations and has provided \$2.5 billion for fixed capital outlay for this purpose. The Florida Education Finance Program Allocation Conference is required by law to verify the calculation of funding transfers to move class size funding from the operational category to the capital outlay category for districts that do not comply.

**PROJECT OBJECTIVE(S):**

Staff will monitor class size compliance calculations for 2007-2008; review planning for subsequent year calculations; monitor the use of team teaching; evaluate the need for new teachers in light of class size pressures; and evaluate the need for additional capital outlay dollars.

**METHODOLOGY:**

Staff will participate in the allocation conference process to verify calculation of class size compliance, review Department of Education (DOE) suggested waivers, and the resulting transfer of funds from operations to capital outlay. Staff will monitor DOE reviews of the use, frequency, and appropriateness of team teaching in light of the revised statutory definition. Data on the number of teachers needed and new hires will be monitored. District capital outlay funding allocations, capital outlay enrollment forecasts, and district facility plans/surveys will be reviewed to determine if there is any future need for fixed capital outlay appropriations.

**INTERIM MONITOR PROJECT TITLE:**

*Voluntary Prekindergarten Participation and Kindergarten Readiness*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-345

**BACKGROUND and DESCRIPTION:**

The Voluntary Prekindergarten Program (VPK) was created by the 2004 Legislature as a result of the adoption of a 2002 amendment to the Florida Constitution to offer a free, high quality, and voluntary early childhood development and education program to all Florida four-year-olds. The 2006 Legislature provided \$308.1 million for the program for an estimated 145,000 students. Actual student participation is expected to be roughly 126,000 students but the actual total will not be known until after the June summer school period. Because of the revised student enrollment estimates, the 2007 Legislature provided \$372.5 million for the program with a student forecast of 139,997.

Among other responsibilities, one task for the Department of Education (DOE) is to assess the readiness of students for kindergarten following completion of the VPK program after enrollment in kindergarten. DOE has developed three examinations for determining readiness. Program providers are to be measured based on the readiness of their student-completers for kindergarten. DOE is required to set a readiness standard so that no more than 15% of providers will be unsuccessful.

**PROJECT OBJECTIVE(S):**

The objective is to review student enrollment in the program and participate in the VPK estimating process in order to establish future estimates for funding. In addition, staff will monitor the determination of kindergarten readiness rates under current statutes.



**METHODOLOGY:**

Staff will participate in the VPK estimating conferences and track enrollment trends and payout and participation rates. Staff will work with DOE staff to monitor the inputs and outputs of kindergarten readiness.

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# ENVIRONMENTAL PRESERVATION AND CONSERVATION

## Interim Projects

**INTERIM PROJECT TITLE:**

*Land Acquisition in Florida*

**DATE DUE:** October 15, 2007

**PROJECT NUMBER:** 2008-123

**BACKGROUND and DESCRIPTION:**

Land acquisition efforts in Florida date back well over 40 years. But with the advent of the Preservation 2000 program in 1990 and its successor Florida Forever in 1999, acquisition efforts grew substantially. As a result, the state has now spent over \$5 billion and acquired more than 1 million acres in the last 17 years. Recipients of funds under these umbrella programs include: the five water management districts; Florida Communities Trust (Dept. of Community Affairs); greenways and trails (Dept. of Environmental Protection); the Fish and Wildlife Commission; and the Department of Agriculture and Consumer Services.

As the state approaches the 20<sup>th</sup> year of these land acquisition efforts, many of the entities that directly implement the program have begun identifying issues that need review and discussion prior to the creation of a potential successor. Significant and substantive questions have arisen concerning the development of acquisition lists, the impact of rapidly rising land costs, and opportunities to make mega-purchases.

**PROJECT OBJECTIVE(S):**

The objective of the project is to provide a comprehensive overview of the history and results of land acquisition efforts throughout the state. Specifically, the project will review and evaluate the following for each entity receiving funds under the acquisition program:

- Effectiveness in meeting statutory goals and objectives.
- Acquisition methods, including a review of incentives being utilized.
- Acquisition list development.
- Methods used for financing.

**METHODOLOGY:**

Committee staff will review and analyze data related to all aspects of the state's acquisition program. In addition, staff will review programs utilized by local governments, other states, and the federal government. The Committee on General Government Appropriations will be asked to assist in compiling the data concerning state funding methods and history. It is also the intention of staff to work with the Legislative Committee on Intergovernmental relations to survey local governments concerning acquisition programs and ascertain what programs exist at the federal level.

## Mandatory Reviews

**INTERIM MANDATORY REVIEW TITLE:**

*Agency Sunset Review of the Department of Environmental Protection*

**DATE DUE:** January 31, 2008

**PROJECT NUMBER:** 2008-210

**BACKGROUND and DESCRIPTION:**

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 January 1, 2007, under prior law; July 1, 2006, under the modified law) 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, 2008, regarding the termination, modification or continuation of the agency and its programs. The legislative sunset review committees will also propose necessary legislation.

During the 2008 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 Environmental Preservation and Conservation Committee will be the primary sunset review committee for the review of the Department of Environmental Protection. The Senate General Government Appropriations Committee will assist in these reviews.

**PROJECT OBJECTIVE(S):**

The Department of Environmental Protection 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:**

***Agency Sunset Review of the Fish and Wildlife Conservation Commission***

**DATE DUE:** January 31, 2008

**PROJECT NUMBER:** 2008-211

**BACKGROUND and DESCRIPTION:**

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 January 1, 2007, under prior law; July 1, 2006, under the modified law) 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, 2008, regarding the termination, modification or continuation of the agency and its programs. The legislative sunset review committees will also propose necessary legislation.

During the 2008 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 Environmental Preservation and Conservation Committee will be the primary sunset review committee for the review of the Fish and Wildlife Conservation Commission. The Senate General Government Appropriations Committee will assist in these reviews.

**PROJECT OBJECTIVE(S):**

The Fish and Wildlife Conservation Commission 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:**

***Agency Sunset Review of the Water Management Districts***

**DATE DUE:** January 31, 2008

**PROJECT NUMBER:** 2008-212

**BACKGROUND and DESCRIPTION:**

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 January 1, 2007, under prior law; July 1, 2006, under the modified law) 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, 2008, regarding the termination, modification or continuation of the agency and its programs. The legislative sunset review committees will also propose necessary legislation.

During the 2008 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 Environmental Preservation and Conservation Committee will be the primary sunset review committee for the review of the Water Management Districts. The Senate General Government Appropriations Committee will assist in these reviews.

**PROJECT OBJECTIVE(S):**

The Water Management Districts will have their 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.

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*Comprehensive Everglades Restoration Program*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-346

**BACKGROUND and DESCRIPTION:**

The state is currently partnering with the federal government and the South Florida Water Management District in a multi-billion dollar restoration program for the Everglades, commonly referred to as CERP (Comprehensive Everglades Restoration Program). The project is composed of numerous components including achievement of certain pollutant reduction standards, implementation of construction projects, and land acquisition. Additionally, it is anticipated that the U.S. Congress may pass legislation this year providing for additional federal funds and the streamlining of certain administrative processes.

**PROJECT OBJECTIVE(S):**

To monitor progress on the various components and potential federal legislative impacts as they relate to the state's responsibilities under the Everglades Forever Act and CERP.

**METHODOLOGY:**

Committee staff will monitor activities, participate in various meetings, and continue discussions with the Department of Environmental Protection and the South Florida Water Management District.

**INTERIM MONITOR PROJECT TITLE:**

*Babcock Ranch*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-347

**BACKGROUND and DESCRIPTION:**

Purchased in 2006 for \$310 million, the Babcock Crescent B Ranch represents a one-of-a-kind purchase for conservation purposes. As part of the acquisition, the ranch is operated by Babcock Ranch Management, LLC., in cooperation with the states co-managers, the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services. During the 2007 Regular Session, the Legislature enacted HB 981, which provided additional statutory guidance concerning the overall management of the ranch. Specific issues addressed by the legislation concerned tenant farming leases and hunting opportunities. In addition, the legislation conditioned the management changes on the submission of certain financial and business plans and the commencement of an audit.

**PROJECT OBJECTIVE(S):**

To monitor the implementation of the 2007 legislation and other issues related to the acquisition and management of the ranch.

**METHODOLOGY:**

Committee staff will conduct meetings with affected state agencies and the on-site managers.

**INTERIM MONITOR PROJECT TITLE:**

*Northern Everglades Restoration Progress*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-348

**BACKGROUND and DESCRIPTION:**

In conjunction with the Comprehensive Everglades Restoration Plan (CERP), the legislature passed Senate Bill 392 establishing the Northern Everglades Watershed Restoration Program which includes Lake Okeechobee and its tributaries, the Caloosahatchee River and its tributaries and estuary, and the St. Lucie River and its tributaries and estuary. Critical to the success for restoration of the Everglades, the Northern Everglades Watershed Restoration Plan is a multifaceted plan which includes developing the Phase II technical plan of the Lake Okeechobee Watershed Restoration Plan by February 1, 2008 and developing the "River Protection Plans" for both the Caloosahatchee River and estuary and the St. Lucie River and estuary by January 1, 2009.

The district will submit the Lake Okeechobee Watershed Restoration Phase II technical plan to the legislature prior to the 2008 legislative session.

**PROJECT OBJECTIVE(S):**

Committee staff will monitor the development of the plans by the Department of Environmental Protection (DEP) and the South Florida Water Management District.

**METHODOLOGY:**

Committee staff will work with the DEP and the district to ensure the plans are developed and submitted in accordance with statutory directives.

**INTERIM MONITOR PROJECT TITLE:**

*Brownfields Redevelopment Act*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-349

**BACKGROUND and DESCRIPTION:**

In 2006, the Brownfields Redevelopment Act was substantially revised to facilitate greater usage of the program. The percentage and amount of the tax credits available to entities that voluntarily cleanup contamination at drycleaning and brownfield sites were increased, however, the total overall annual cap of \$2 million was not increased. During the 2007 Legislative session, there was interest in again revising the program to provide greater financial incentives and to broaden the program to include areas eligible for the brownfields incentives that are not currently considered in the brownfield program. No bill was considered since it was the general consensus to see how the 2006 revisions were affecting the program. In the interim for the 2008 Legislative session, the Department of Environmental Protection (DEP) is

planning to convene a workgroup of stakeholders to discuss and perhaps come to consensus on further enhancement to the Brownfields program.

**PROJECT OBJECTIVE(S):**

Staff will monitor the activities of the DEP to work with the various brownfields stakeholders.

**METHODOLOGY:**

Staff will participate in the meetings held by the DEP.





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# ETHICS AND ELECTIONS

## Interim Projects

**INTERIM PROJECT TITLE:**

*The Effect of Early Voting on Voter Turnout in Florida Elections*

**DATE DUE:** November 1, 2007

**PROJECT NUMBER:** 2008-124

**BACKGROUND and DESCRIPTION:**

In 2004, the Florida Legislature amended §101.657, Fla. Stat., and introduced a standardized and mandatory process for early voting in Florida elections. Currently, a Florida elector may cast his or her vote at specified locations beginning on the fifteenth day before an election and ending on the third day before the election. Election officials and voting rights advocates have traditionally argued early voting has a positive impact on voter turnout and have urged its expansion.

While studies have indicated almost one-third of early voters identify convenience as their primary reason for casting an early ballot, there are currently no empirical studies analyzing the impact of early voting on voter turnout in Florida elections.

**PROJECT OBJECTIVE(S):**

To analyze the impact of early voting on voter turnout in Florida elections.

**METHODOLOGY:**

Committee staff will collect, review, and analyze voting data for Florida elections to discern the effect of early voting on voter turnout during the last two election cycles in Florida. Staff will review post election reports by election officials and other parties, academic journals, and other studies. Finally, staff will identify any issues appropriate for consideration during the 2008 session.

## Mandatory Reviews

*(None)*

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*Federal Legislation Addressing Paper Trails for Voting Systems*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-350

**BACKGROUND and DESCRIPTION:**

The 2007 paper ballot voting act (Ch. 2007-30, Laws of Florida) addressed numerous election issues including requiring paper ballots for voting systems. The bill mandates that all voters, except for

disabled voters, must cast a paper ballot on an optical scan voting system beginning with the fall primary election of 2008. The bill provides that disabled voters must be given the option to cast an independent, paper ballot beginning in 2012. In order to implement paper ballot voting systems in all Florida counties, the bill requires the Secretary of State to purchase new voting equipment for certain counties and negotiate the sale of unnecessary touchscreen voting systems. The bill also requires local canvassing boards to complete a public, random, post-election audit of one to two percent of the precincts in a randomly-selected race on the ballot. Audit results must be made public seven days after the election, and the canvassing board must file a report with the Department of State no later than 15 days after the audit is complete.

Currently, two bills pending in Congress address the issue of paper trails for voting systems: House Resolution 811 and Senate Bill 559. If congressional legislation passes, it could impact Florida's new paper ballot requirement and/or auditing procedures.

**PROJECT OBJECTIVE(S):**

The purpose of this project is to monitor proposed legislation in Congress relating to paper ballots for voting systems and to identify any specific issues that may need to be addressed in the 2008 legislative session if congressional legislation becomes law.

**METHODOLOGY:**

Committee staff will track proposed federal legislation in Congress regarding paper trails for voting systems and review media reports and election trade publications to identify areas of concern with regard to this legislation. Committee staff will identify any issues appropriate for consideration during the 2008 legislative session.

**INTERIM MONITOR PROJECT TITLE:**

*Implementation of the 2007 Paper Ballot Voting Act*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-351

**BACKGROUND and DESCRIPTION:**

The 2007 paper ballot voting act (Ch. 2007-30, Laws of Florida) mandates that touchscreen voting equipment be replaced with optical-scan, marksense-ballot equipment for most voters by the fall primary election of 2008 and, for the first time, authorizes widespread, real-time use of "ballot-on-demand" technology designed to produce each voter's ballot upon presentation at an early voting site. The Act appropriates \$27.86 million from federal Help America Vote Act monies for these purposes. The Secretary of State/Department of State is required to act as an agent for the disposition and purchase of equipment for each county electing to receive state funding. Monies received from the disposition of a county's existing touchscreen equipment, after paying off the county's current voting systems indebtedness, will be deposited into the Department of State's Grants and Donations Trust Fund.

Finally, the Act requires local canvassing boards to complete a public, post-election audit and file a report with the Department of State no later than 15 days after completion. The department must adopt rules that provide for uniform audit procedures and reporting forms. (In addition, many any existing rules will need to be amended to conform with the new law.)

**PROJECT OBJECTIVE(S):**

To monitor the receipts and disbursements from the Grants and Donations Trust Fund, identify any implementation problems that may require legislative action during the 2008 session, and to keep the Senate President and Committee Chair apprised of the overall progress of the implementation in order to determine the need for committee hearings on the subject in 2008.

**METHODOLOGY:**

In addition to attending rulemaking workshops and hearings, committee staff will meet with and discuss different aspects of the implementation with the Secretary of State, staff of the Division of Elections, and affected supervisors of elections on a regular basis to determine the progress of their required activities. Staff will also monitor reports of potential or perceived problems with the implementation that might adversely impact the conduct of the upcoming 2008 elections. Finally, committee staff will coordinate with the staff of the Committee on Transportation and Economic Development Appropriations, who will be responsible for monitoring the fiscal implementation of the Act through periodic meetings with the Governor's Office of Policy and Budget and the Department of State.



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# FINANCE AND TAX

## Interim Projects

**INTERIM PROJECT TITLE:**

*2008 Florida Tax Handbook Including Fiscal Impact of Potential Changes*

**DATE DUE:** March 1, 2008

**PROJECT NUMBER:** 2008-125

**BACKGROUND and DESCRIPTION:**

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

**PROJECT OBJECTIVE(S):**

The main objective of this project is to publish, prior to the 2008 Legislative Session, the 2008 Florida Tax Handbook Including Fiscal Impact of Potential Changes.

**METHODOLOGY:**

Coordinate the publication of the 2008 Florida Tax Handbook Including Fiscal Impact of Potential Changes which is produced collectively by the staffs of the Senate Finance and Tax Committee, the House Committee on Finance and Tax, the Office of Economic and Demographic Research, and the Office of Tax Research of the Department of Revenue. Oversee changes, review document for accuracy, and prepare for printing. Train new staff to take over the production of the Handbook.

Data for the Handbook is derived from the Fall Revenue Estimating Conferences. Specifically, general revenue data comes from the December General Revenue Estimating Conference and as a result, the Handbook cannot be published until just prior to the Regular Legislative Session.

## Mandatory Reviews

*(None)*

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*Property Tax Reform*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-352

**BACKGROUND and DESCRIPTION:**

The Florida Legislature is expected to enact legislation during a June 12 – 22, 2007, special session that will significantly alter the laws under which local governments levy property taxes. It is also expected that the Legislature will adopt a joint resolution placing constitutional property tax changes before the voters.

**PROJECT OBJECTIVE(S):**

The Finance and Tax Committee will monitor implementation of the legislation enacted during the special session, working with the Department of Revenue and local governments to identify any glitches that may warrant legislative remedies.

**METHODOLOGY:**

The committee staff will continue to work with staff of the House Policy and Budget Council, Economic and Demographic Research, the Department of Revenue, and the Governor's Office to monitor the impacts of the anticipated legislation and identify any unintended consequences of which the members should be aware.

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# FISCAL POLICY AND CALENDAR

## Interim Projects

**INTERIM PROJECT TITLE:**

*Development of the Three Year Financial Outlook*

**DATE DUE:** October 1, 2007

**PROJECT NUMBER:** 2008-126

**BACKGROUND and DESCRIPTION:**

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 an annual long-range financial outlook beginning September 15, 2007. 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 three year outlook must include input from the public, the executive and the judicial branches in developing and adopting the outlook. The two years prior to the passage of Amendment No. 1, the professional Senate staff prepared a three year plan in advance of this process being formalized in the Constitution.

**PROJECT OBJECTIVE(S):**

The objective of this project will be to implement the necessary processes for generating a three year financial outlook which is useful as a reference point in developing the state budget, and which increases understanding of pending budget or revenue issues.

**METHODOLOGY:**

Staff of the appropriations committees of the House and Senate will jointly develop the long range outlook under the direction of the Legislative Budget Commission. Since staff will be working on the first constitutionally required outlook for September 15, 2007, a number of implementation decisions need to be made prior to outlook development. The tentative schedule for developing the three year financial outlook is as follows:

June – Identify initial decisions required for plan development

July – Conduct estimating conference process

August – Develop outlook incorporating workload and revenue projections

September – Approval by the Legislative Budget Commission before September 15<sup>th</sup>

## Mandatory Reviews

*(None)*



## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*Taxation and Budget Reform Commission*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-353

**BACKGROUND and DESCRIPTION:**

The Taxation and Budget Reform Commission is a constitutionally created body empowered to propose amendments to the State Constitution and suggest statutory changes to the Legislature. The commission is tasked with:

- examining the state budgetary process, the revenue needs and expenditure processes of the state, the appropriateness of the tax structure of the state, and governmental productivity and efficiency;
- reviewing policy as it relates to the ability of the state and local governments to tax and adequately fund governmental operations and capital facilities required to meet needs during the next twenty year period;
- determining methods favored by the citizens of the state to fund the needs of the state, including alternative methods for raising sufficient revenues for the needs of the state;
- determining measures that could be instituted to effectively gather funds from existing tax sources;
- examining constitutional limitations on taxation and expenditures at the state and local level; and
- reviewing the state's comprehensive planning, budgeting and needs assessment processes to determine whether the resulting information adequately supports a strategic decision-making process.

At least 180 days prior to the general election of 2008, the Commission must file with the custodian of state records its proposal, if any, of a revision of the State Constitution relating to taxation or the state budgetary process.

**PROJECT OBJECTIVE(S):**

The objectives are to monitor the Commission meetings and to determine if any issues should be addressed during the 2008 Session.

**METHODOLOGY:**

Staff will monitor the Commission meetings and subcommittee meetings.

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# GENERAL GOVERNMENT APPROPRIATIONS

## Interim Projects

(None)

## Mandatory Reviews

**INTERIM MANDATORY REVIEW TITLE:**

*Agency Sunset Review of the Departments of Agriculture and Consumer Services, Citrus, Environmental Protection, Fish and Wildlife Conservation Commission, and Water Management Districts*

**DATE DUE:** January 31, 2008

**PROJECT NUMBER:** 2008-213

**BACKGROUND and DESCRIPTION:**

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 January 1, 2007, under prior law; July 1, 2006, under the modified law) 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, 2008, regarding the termination, modification, or continuation of the agency and its programs. The legislative sunset review committees will also propose necessary legislation.

During the 2008 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 2006 with five agencies and the water management districts submitting information by January 1, 2007. These agencies include the Fish and Wildlife Conservation Commission, the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Department of Citrus, and Department of Highway Safety and Motor Vehicles.

The Senate Agriculture Committee will be the primary sunset review committee for reviews of the Department of Agriculture and Consumer Services and the Department of Citrus. The Senate General Government Appropriations Committee and the Commerce Committee will assist in these reviews.

The Senate Environmental Preservation and Conservation Committee will be the primary sunset review committee for reviews of the Department of Environmental Protection, the water management districts, and the statutorily created responsibilities of the Fish and Wildlife Conservation Commission. The Senate General Government Appropriations Committee will assist in these reviews.

**PROJECT OBJECTIVE(S):**

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.

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*Elevator and Vertical Conveyance Inspections*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-354

**BACKGROUND and DESCRIPTION:**

The Bureau of Elevator Safety, in the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, is responsible for regulating elevator and vertical conveyance devices to protect the public from injury and unsafe conditions.

The department is responsible for the following activities as they relate to elevator safety:

- Licensure of certified elevator inspectors;
- Oversight to ensure the quality of the elevator safety inspections obtained by elevator owners;
- Receipt and review of elevator inspection reports;
- Issuance of annual elevator certificates of operation;
- Receipt, review, and analysis of elevator accident reports;
- Maintenance of the state's elevator code;
- Issuance of permits to erect, move, or alter elevators and temporarily operate them.
- Registration of companies that employ persons working on elevators; and
- Issuance of certificates of elevator competency to persons who work for registered elevator companies that meet statutory qualifications and pass a division-approved test.

In addition, section 399.13, F.S., authorizes the division to enter into contracts with local governments and, through these contracts, to delegate specific aspects of the division's statutory authority to regulate elevators and like devices. The division has issued five such contracts with local governments. These include: the Reedy Creek Improvement District; Broward County; Miami-Dade County; the City of Miami; and the City of Miami Beach.

In February 2006, the Auditor General's Office released operational audit number 2006-075 on the agency's elevator safety inspections for the period of July 2003 through February 2005. The report concluded that, while the department's new web-based single licensing system streamlined the applications, licensure, certification, and renewal processes and provided improved reporting capabilities, significant improvements were needed in various aspects of the elevator safety regulatory program.

The Auditor General's report cited five major findings and recommendations to improve elevator safety. While many of the findings were procedural in nature and were implemented with written policy and procedural changes, resources to meet the demands of growth in the number of elevators requiring inspection were needed. Additional positions and resources were also needed to conduct the annual onsite monitoring of local governments regulating elevators to ensure the accuracy and the completeness of pertinent records and the analysis of activity reports.

The 2007-2008 General Appropriations Act provides six additional positions in response to the agency's request for additional certified elevator inspectors and staff support. These positions will allow the agency to address the audit findings and to meet the number of elevators and vertical conveyance devices requiring licensing and inspection in the state.

**PROJECT OBJECTIVE(S):**

The objective of this project is to monitor the number and quality of inspections conducted by the department on elevators and vertical conveyance devices to determine if they are sufficient to ensure that the public is protected from injury and unsafe operating conditions.

**METHODOLOGY:**

Staff of the General Government Appropriations and the Regulated Industries committees, with assistance from the Auditor General's Office, will review the 2006 Operational Audit findings and the measures that have been and will be implemented by the agency to determine if elevator inspection licensing, certification, oversight and safety efficiencies have improved since the audit. In addition, staff will monitor the number of filled and vacant positions in the elevator safety area throughout the fiscal year.

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

**PROJECT NUMBER:** 2008-355

**BACKGROUND and DESCRIPTION:**

The Division of Hotels and Restaurants in the Department of Business and Professional Regulation regulates Florida's food and lodging industries to protect the public from unsafe and unsanitary facilities. Regulating food service establishments helps protect against food borne illnesses that can be lethal to children, the elderly, and those with compromised immune systems. Regulating public lodging establishments helps to protect tourist and residents from fire and other safety hazards. Section 509.032(2), F.S., requires that public food and lodging establishments be inspected at least twice a year.

In November 2005, the Office of Program Policy Analysis and Government Accountability (OPPAGA) issued Report No. 05-51 indicating that, while the Division of Hotels and Restaurants has improved its operations in recent years, it has not inspected food establishments, public lodgings, and apartments as often as required by law. The report cited staffing cuts, changes in inspection field procedures and problems implementing hand held computers as the primary reasons for the division's inability to meet inspection goals.

The OPPAGA report made the following recommendations to increase the number of division inspections:

- Provide additional inspectors;
- Streamline the current sanctioning process;
- Increase consumer access to the division's website;
- Ensure the success of the division's hand held computers used in the inspection process (PDAs); and
- Adopt performance measures in the inspection process which are more closely aligned to the division's core mission.

The 2006-2007 General Appropriations Act provided 12 additional positions to increase the number of inspections and required quarterly reporting to the Legislature by the division on the status of inspections. Recent division status reports reveal that, while the number of hotel and restaurant inspections has increased, the division still has not been able to meet its statutorily required schedule due to industry growth and staffing shortages.

The 2007-2008 General Appropriations Act provided 20 additional inspectors and support positions to meet the inspection requirements. In addition, proviso language was continued that requires quarterly reports to the Legislature on the status of these inspections.

**PROJECT OBJECTIVE(S):**

The objective of this project is to monitor hotel and restaurant inspections in the Department of Business and Professional Regulation to ensure that the statutorily required number of inspections is conducted.

**METHODOLOGY:**

Staff of the General Government Appropriations and the Regulated Industries committees and OPPAGA will collect and analyze quarterly report data provided by the agency to determine if the number of required inspections is being met. In addition, staff will monitor the number of filled and vacant positions for the division throughout the fiscal year.

**INTERIM MONITOR PROJECT TITLE:**

*Department of Management Services Facilities Pool Leasing and Tenant Broker Services*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-356

**BACKGROUND and DESCRIPTION:**

As part of its Workspace Management Initiative, the Department of Management Services released an invitation to negotiate (ITN) in July 2003, seeking the support of a service provider to “strategically plan and manage the State’s real property assets.” On October 15, 2003, the department entered into a contract with The Staubach Company-North Florida, LLC, to negotiate private leases on behalf of agencies of the state. Though the ITN contained no specific tasks or deliverables, the resulting contract with Staubach contained specific compensation terms relating to transactions that Staubach “negotiates and closes” on behalf of the state. The contract allowed Staubach to be compensated for their services directly by the landlords, not subject to the legislative appropriations process.

In 2004 the department, through the rulemaking process authorized in ch. 120, F.S., added a definition to Rule 60H 1.001(13), F.A.C., that a “competitive solicitation” means an invitation to bid (ITB), a request for proposal (RFP), or an *invitation to negotiate* (ITN). The Joint Administrative Procedures Committee (JAPC) sent the department an objection report on March 17, 2005, noting that the rule was an invalid exercise of delegated legislative authority because it enlarges the specific provisions of s. 255.25(3)(a), F.S. The department responded that it would seek legislative authority to allow for the continued use of the ITN in the procurement of a lease agreement, but the department was unsuccessful. In February 2007, the JAPC made an official objection to the department use of an ITN and requested that the department report back to the committee with a plan of action to address the objection.

During the 2007 Legislative Session, the Legislature approved Senate Bill 1972, which addressed the tenant broker contract and compensation process concerns. Effective July 1, 2007, the department will be required to procure a new state-term contract for professional real estate consultant and tenant broker services with more than one vendor. In addition, all payments for these services will be required to be deposited into the state treasury, subject to an appropriation for payment.

**PROJECT OBJECTIVE(S):**

The objective of this project is to monitor the implementation of Senate Bill 1972, regarding the procurement and payment of professional real estate consultants and tenant brokers by the department. The project will also monitor the extent to which the department can develop core competencies and recruit and retain professional talent in a specialized market.

**METHODOLOGY:**

Staff of the General Government Appropriations Committee will work with staff of the Governmental Operations Committee and the Office of Program Policy Analysis and Government Accountability to review and monitor the implementation of Senate Bill 1972. The project will track the department’s new ITN issued for tenant brokers, and internal actions taken to reinvest in its own professional staff.



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# GOVERNMENTAL OPERATIONS

## Interim Projects

**INTERIM PROJECT TITLE:**

*Reducing Investment Management Expenses in Employee Benefit Programs*

**DATE DUE:** October 1, 2007

**PROJECT NUMBER:** 2008-127

**BACKGROUND and DESCRIPTION:**

Government employers tend to compensate their workforces more in terms of benefits than salaries. The traditional argument used for this differentiation is the unique nature of government transactions: they tend to concentrate on matters that cannot or should not be delivered in a market setting but which have durability over time. Various legislative reports have pointed to the similarities and differences in total compensations systems between public and private sector employers. The shifting demographics within and across public workforces - growing baby boomer retirements, low wage occupations, and a disproportionate representation of women - create additional burdens on public treasuries to maintain what has been called the silent promise: workers will always be taken care of.

The ability and the willingness of public employers to continually validate this promise have produced pronounced effects. Growing retiree health care liabilities have created significant financial stress among large industrial enterprises that pioneered these benefit systems. The ability to afford salary policy that is higher than long-term inflation is limited at best. Governments have tended, unlike the private sector, to deemphasize systems which encourage employee savings in the workplace.

**PROJECT OBJECTIVE(S):**

The project will catalog the major state benefits systems, their costs, and the full actuarial value of their promises over time. It will also discuss the strategies that can be employed to address the shifting dynamics of increasing benefit expense with a shrinking workforce.

**METHODOLOGY:**

The project will review each of the major state benefit plans, how they are funded, and identify proposals that can systemically alter the nature and the direction that they can provide for the payer and the benefit recipient. It will also discuss voluntary systems that can supplement public benefit plans that have been used in other jurisdictions to give employees increased retirement income, with lower overall expense, without obligating the public treasury.



**INTERIM PROJECT TITLE:**

***Overview of Local Government Pension Plans***

**DATE DUE:** October 1, 2007

**PROJECT NUMBER:** 2008-128

**BACKGROUND and DESCRIPTION:**

Several hundred local governments in Florida sponsor more than 500 separate single purpose or multi-purpose pension plans for their officers and employees. Many of these plans are well-funded and operate well within the funding parameters established by the Florida Constitution and statutes. Over the years some of these plans have been the recipients of increasingly more significant comments from the Division of Retirement which itself acts as an oversight body for such plans. That agency's internal actuary has pointed to trends in plan management that have caused some financial danger to several of these plans. The actuary has recommend changes to Florida pension statutes to compel all plans to adhere to the regulatory principles embodied in Part VII of ch. 112, F.S. Local government plans are heavily reliant upon *ad valorem* revenues for their support and plans which stand apart from the multi-employer Florida Retirement System will be experiencing a significant transformation of their revenue base in the face of potential alterations to local government finances. The ability of some of these plans to cope with such a scenario may be difficult.

**PROJECT OBJECTIVE(S):**

The project seeks to identify the nature and asset amounts of the multiple local government pension plans and to identify those plans whose current funding status suggests greater attention. The staff expects to be able to identify those plans with the most significant risk and to identify those statutory mechanisms that can provide the greatest and least intrusive methods of ensuring full funding status.

**METHODOLOGY:**

The project contemplates staff meeting intensively with the OPPAGA and the Division of Retirement to obtain a full overview of all of the local government plans and being able to provide an historical framework for the regulatory and funding status in which these systems operate.

**INTERIM PROJECT TITLE:**

***Setting the Florida Retirement System Pension Plan Rates for 2008-2009***

**DATE DUE:** October 1, 2007

**PROJECT NUMBER:** 2008-129

**BACKGROUND and DESCRIPTION:**

It has been the recent custom of the Legislature to set annually the required employer contribution rates for the multi-employer Florida Retirement System in legislation dedicated to that specific purpose. The rate chosen is one which meets the full funding requirements of the state constitution, recognizes the current assts and liabilities, and reflects the members' judgment on the proper allocation of excess actuarial assets, if any, in the plan. The Senate's three-year financial outlook currently assumes salary policy will track overall inflation and thus keep long term plan costs at three percent or less.

**PROJECT OBJECTIVE(S):**

The project, and the proposed legislation which emanates from it, will be used as the base document for the Legislature to set the plan rates for the 2008-2009 fiscal year.

**METHODOLOGY:**

The project will use the annual actuarial valuation performed by the external actuary, usually delivered in draft form in the month of September to the Division of Retirement, as the initial point of reference for the subsequent rate setting.

**INTERIM PROJECT TITLE:**

*Improving Access to Public Records*

**DATE DUE:** October 1, 2007

**PROJECT NUMBER:** 2008-130

**BACKGROUND and DESCRIPTION:**

Florida has made a long-standing commitment to openness in governmental operations that extends to both public meetings and records. As government becomes more heavily reliant upon technology it places a greater premium on access through electronic means. This openness in law can work to the disadvantage of the public if the means of its achievement forces reliance upon proprietary technology to access the meetings or the documents. During the previous legislative session an attempt was made to address the subject of “open” software, that is, non-copyright protected software, as an additional means of assuring citizen access. There is some division among interested parties as to whether this topic constitutes a new method of access or it simply recognizes an existing method of reducing reliance upon proprietary technology.

**PROJECT OBJECTIVE(S):**

The project seeks to review the commitment Florida has made to direct and remote technological access to meetings and documents and the role that alternative forms of access can provide.

**METHODOLOGY:**

The project will examine the theoretical components of “open” software and whether its adoption constitutes a new form of access to public meetings and records. It will also review any compromises to integrity or access that each access method produces or avoids.

**INTERIM PROJECT TITLE:**

*Statute of Limitations for Administrative Actions*

**DATE DUE:** October 1, 2007

**PROJECT NUMBER:** 2008-131

**BACKGROUND and DESCRIPTION:**

Though ch. 95, F.S., codifies a statute of limitations for a “civil action or proceeding,” there is no explicit statute of limitations for administrative proceedings. Judicial and administrative decisions have determined that the statute of limitations in s. 95.11, F.S., does apply to proceedings that are

administrative substitutes for civil actions and administrative proceedings conducted to workers' compensation law in ch. 440, F.S., but does not apply to administrative license revocation proceedings.

**PROJECT OBJECTIVE(S):**

The project will seek to determine whether the Legislature should create a statute of limitations for any types of administrative actions.

**METHODOLOGY:**

Committee staff will review Florida law, administrative rules, judicial decisions, and administrative orders, to determine existing law concerning a statute of limitations for administrative actions. Staff will research the laws of other jurisdictions for a comparative view. Staff will work with executive agencies, administrative law practitioners, and interested persons to determine whether the Legislature should enact any legislation addressing a statute of limitations for administrative actions.

## Mandatory Reviews

(None)

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*Oversight of Council on Efficient Government*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-357

**BACKGROUND and DESCRIPTION:**

The Council on Efficient Government was created by the 2006 Legislature to provide integrity in business case analyses for the sourcing of state agency operations. Now past its initial organizational period, the Council has reviewed a number of agency proposals for alternative delivery methods for services directly delivered by state agencies.

**PROJECT OBJECTIVE(S):**

The project will monitor this entity and the number of activities it has reviewed, the methodology it has employed, and the results of the analyses in which it has participated.

**METHODOLOGY:**

The project will examine the public records of the Council meetings and the documents generated in the course of the business case analyses.

**INTERIM MONITOR PROJECT TITLE:**

*Implementation of Structured Asset Divestiture by the State Board of Administration*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-358

**BACKGROUND and DESCRIPTION:**

The 2007 Legislature enacted Senate Bill 2142 to place restrictions on assets held by the Board of Administration in selected fiduciary accounts. The nominal objective was the divestiture of funds in companies that were engaged in non-exempt transactions with the Republic of the Sudan and the Islamic Republic of Iran. The act provided a process through which the board would evaluate its assets and identify those companies that fell within the restrictive criteria. The companies would be given notice of potential non-compliance and given an opportunity to become compliant prior to the disposal of the assets in the open market.

**PROJECT OBJECTIVE(S):**

The project will monitor the process used by the board in the execution of these responsibilities and the results, as well as the input it receives from the affected companies, its fiduciary counsel, the Investment Advisory Council and the Trustees.

**METHODOLOGY:**

The project will monitor the board actions and any input it may receive from the Investment Advisory Council and the Trustees.

**INTERIM MONITOR PROJECT TITLE:**

*Implementation of New Information Technology Agency*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-359

**BACKGROUND and DESCRIPTION:**

The 2007 Legislature provided a sweeping revision of information technology statutes in an effort to provide strategic guidance on data processing management and funding in the aftermath of the former State Technology Office. The sum of \$3 million was appropriated to support a new Agency for Enterprise Information Technology and related support activities. The agency was given a mission with expected accomplishments but was provided a one-year period to get organized and focused on its state government mission.

**PROJECT OBJECTIVE(S):**

The project will monitor the organization and development of the agency and track the activities it prioritizes in the development of enterprise solutions.

**METHODOLOGY:**

The project will monitor the initial organizational actions, although there is no expectation that any specific deliverable products beyond that can be delivered prior to the conclusion of the interim.



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# HEALTH AND HUMAN SERVICES APPROPRIATIONS

## Interim Projects

**INTERIM PROJECT TITLE:**

*Florida Medicaid Expenditure Savings Initiatives*

**DATE DUE:** 12/01/2007

**PROJECT NUMBER:** 2008-132

**BACKGROUND and DESCRIPTION:**

From Fiscal Year 1999-2000 to Fiscal Year 2006-2007, total Medicaid services expenditures have increased 106 percent, with an average annual increase of 10.3 percent per year. Expenditures are forecast to increase by 9.8 percent in Fiscal Year 2007-2008. The state share (general revenue) of Medicaid expenditures from Fiscal Year 1999-2000 to Fiscal Year 2006-2007 has increased 110 percent, with an average annual increase of 9.1 percent per year. General revenue expenditures are forecast to increase by 17.1% in Fiscal Year 2007-2008. In recent years, the Florida Legislature has implemented numerous cost containment strategies. Strategies have varied from fraud and abuse initiatives, pharmaceutical controls and emergency room diversion, to disease management initiatives, reimbursement rate reductions, and most recently, the Medicaid reform initiative in Broward and Duval counties.

Florida, like many other states across the country, has struggled with the increased pressure Medicaid expenditures have placed on state resources, second only to education funding. At the federal level, Medicaid spending has placed pressure on budgets as well. Congress passed the Federal Deficit Reduction Act (DRA) of 2005, which included many cost savings initiatives to control Medicaid costs. These initiatives included documentation requirements for eligibility determinations, long term care financial eligibility reconciliations, asset transfers look backs, long term care partnership programs, increased co-payments and premiums, and increased state flexibility to make changes in programs.

**PROJECT OBJECTIVE(S):**

To review and assess current and future savings opportunities in Florida's Medicaid program.

**METHODOLOGY:**

Professional staff will identify and collect necessary data on past Florida Medicaid savings initiatives as well as initiatives implemented in other states. Professional staff will review current program policies, necessary state and federal laws, and meet with appropriate agency staff to identify additional savings initiatives.

## Mandatory Reviews

*(None)*

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*Comprehensive Statewide Tobacco Education and Prevention Program*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-360

**BACKGROUND and DESCRIPTION:**

On November 7, 2006, the people of the State of Florida adopted Amendment 4, requiring funding of a Comprehensive Statewide Tobacco Education and Prevention Program. Under the amendment, the state is required to create a statewide program consistent with the CDC’s 1999 best practices, as amended. Minimum program components are specified and additional components may be included that are also contained in the CDC *Best Practices*. The amendment requires the Legislature to appropriate 15 percent of the total gross funds that tobacco companies paid to the State of Florida in 2005 under the Tobacco Settlement. This amount is required to be adjusted annually for inflation using the Consumer Price Index. The total cost of the program has been estimated as follows: \$57.9 million for Fiscal Year 2007-2008; \$59.4 million for Fiscal Year 2008-2009; and \$60.5 million for Fiscal Year 2009-2010.

The 2007 Legislature passed CS/SB 1126 that implements s. 27, Art. X of the State Constitution. The bill requires the Department of Health (DOH) to implement the tobacco program; specifies various components of the program; creates the Tobacco Education and Use Prevention Advisory Council consisting of 23 members; provides for duties of the council; and requires the Secretary of Health, in consultation with the council, to award contracts or grants for the program components on the basis of merit through a competitive, peer-reviewed process. DOH is required to expedite the delivery of services and award contracts and grants no later than October 1 of each fiscal year. The Area Health Education Center (AHEC) network is required to expand the current smoking cessation initiative to each county during fiscal years 2007-2008 and 2008-2009 and is to be awarded a contract or grant of \$10 million annually for each fiscal year. After this two-year period, the AHEC network may participate in the competitive peer-reviewed grant process. DOH is required to adopt rules by January 1, 2008. The appropriation for Fiscal Year 2007-2008 is allocated as follows:

**677B SPECIAL CATEGORIES COMPREHENSIVE STATEWIDE TOBACCO PREVENTION AND EDUCATION PROGRAM**

Counter-Marketing, Advertising and Internet Resource Center Programs.....	\$19,299,596
Youth School and After School Programs .....	5,911,200
AHEC Cessation Information Community Program .....	4,000,000
AHEC Training Program .....	6,000,000
Cessation Treatment and Counseling .....	4,350,000
Other Cessation and Training Community Programs .....	1,084,919
Chronic Disease Prevention Programs .....	1,701,709
Surveillance and Evaluation .....	5,789,879
Administration, Statewide Programs, CHD Core Funding .....	4,585,399

**679A FIXED CAPITAL OUTLAY STATEWIDE TOBACCO PREVENTION AND EDUCATION**

Fixed Capital Outlay - CHD .....	5,000,000
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662 SALARIES AND BENEFITS(2 FTE)..... \$174,086  
TOTAL ..... \$57,896,788

**PROJECT OBJECTIVE(S):**

The objective of this project is to monitor implementation of the provisions contained in the 2007 legislation establishing the Comprehensive Statewide Tobacco Education and Prevention Program, including the allocation and spending of the \$57.9 million appropriation for Fiscal Year 2007- 2008.

**METHODOLOGY:**

Professional staff will meet periodically with representatives from DOH to review, discuss and monitor implementation of the legislation, including rule development and allocation of funds.

**INTERIM MONITOR PROJECT TITLE:**

*Low Income Pool*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-361

**BACKGROUND and DESCRIPTION:**

The Low-Income Pool (LIP) Council is established in s. 409.911, F.S. The Council members meet periodically throughout the year to develop funding and distribution recommendations for the Low Income Pool, Disproportionate Share, and Provider Ceiling Exemptions programs. The Council is required to provide recommendations on the funding and distribution methodologies for the programs to the Agency for Health Care Administration, Governor and the Legislature by February 1 each year.

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 underinsured.

The 2007 Legislature adopted the Council recommendations for FY 2007-2008 which included funding of \$1 billion for the Low Income Pool, \$218.9 million for the Disproportionate Share Program and \$673.4 million for the Provider Exemption Program.

**PROJECT OBJECTIVE(S):**

Objectives include monitoring the distribution process of the funding provided for FY 2007-2008 and monitoring the development of FY 2008-2009 funding recommendations by the Council.

**METHODOLOGY:**

Professional staff will attend meetings and conference calls conducted between AHCA, CMS, the Low Income Pool Council and other pertinent parties. Staff will review documentation and reports as they relate to implementation of the current funding distribution as well as development of the FY 2008-2009 Council recommendations.



**INTERIM MONITOR PROJECT TITLE:**

*KidCare Enrollment*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-362

**BACKGROUND and DESCRIPTION:**

The Florida KidCare program was created by the 1998 Legislature in response to the enactment by Congress of Title XXI of the Social Security Act and the large number of uninsured children in the state. The components of KidCare include: Medicaid for children; the Medikids program; Florida Healthy Kids; and the Children's Medical Services (CMS) Network. The State Children's Health Insurance Program (SCHIP) must be reauthorized by October 1, 2007 to allow for continued federal funding.

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

The 2007 General Appropriations Act provides \$55.6 million in funding to cover an average monthly enrollment of approximately 236,609 Title XXI children. This funding will cover an additional 31,000 enrollment slots above the Fiscal Year 2006-07 funding level.

**PROJECT OBJECTIVE(S):**

This interim project will focus on monitoring the enrollment levels compared to the budgeted funds of the KidCare program and the pending federal reauthorization of the SCHIP.

**METHODOLOGY:**

Professional staff will review and monitor monthly enrollment levels and related program expenditures as well as monitor the status of federal reauthorization of the SCHIP program.

**INTERIM MONITOR PROJECT TITLE:**  
*Forensic Mental Health Services*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-363

**BACKGROUND and DESCRIPTION:**

During the latter part of 2006, the Department of Children and Family Services (DCF) faced multiple contempt of court orders for failing to place persons judicially committed to forensic facilities within the statutorily mandated limit of 15 days. As of December 5, 2006, there were 315 persons in county jails awaiting forensic placement, approximately half of whom had been in jail longer than the 15-day limit.

In a special meeting held on January 10, 2007, the Legislative Budget Commission (LBC) approved the transfer of \$16.6 million in general revenue funds from the Purchased Residential Treatment Services for Emotionally Disturbed Youth category to various categories in the Adult Community Mental Health Services budget entity. This transfer of budget authority allowed for the phase-in of 391 additional secure forensic treatment beds and 140 additional community residential treatment beds to treat criminal defendants who have been declared either incompetent for trial or not guilty by reason of insanity. Subsequently, the 2007 Legislature appropriated \$48.5 million in general revenue funds in Fiscal Year 2007-2008 for the annualization cost associated with the LBC amendment. DCF will be undertaking the task of allocating these annualization funds in accordance with the implementation plan upon which the appropriation was based.

**PROJECT OBJECTIVE(S):**

The objective of this project is to monitor the allocation and spending of the \$48.5 million forensic appropriation for Fiscal Year 2007- 2008.

**METHODOLOGY:**

Professional staff will meet periodically with representatives from DCF to review and discuss implementation of the expansion of forensic services, allocation of funds, compliance with statutorily mandated time frames, and analysis of forensic utilization data.

**INTERIM MONITOR PROJECT TITLE:**

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

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-364

**BACKGROUND and DESCRIPTION:**

The Agency for Persons with Disabilities (APD) provides home and community-based services to eligible persons with developmental disabilities through the Home and Community Based Services Waiver and the Family and Supported Living Waiver. APD was appropriated \$961.5 million to serve developmental disabled citizens in FY 2007-2008. Since FY 2002-2003, there has been a \$502.3 million increase to fund waiver services to additional clients and utilization increases.

Section 393.0661, F.S., requires APD to submit quarterly status reports regarding the financial status of home and community-based services, including enrollment and service utilization. In 2006, the legislature expanded the types of information included in these quarterly reports and required an analysis of actual and projected costs compared to the appropriation. If the analysis indicates the cost of services is expected to exceed the appropriation, APD is required to submit a plan to the Governor and Legislature to remain within the appropriation.

In August 2006, APD preliminary estimates indicated a deficit in FY 2006-2007 based on increased service utilization. In April 2007, APD forecasted a deficit of \$108.8 (\$46.9 GR) in FY 2006-2007 and a deficit of \$152.9 (\$65.9 GR) in FY 2007-2008. A plan to reduce the deficit was presented to the legislature on April 11, 2007.

As a result of this deficit, the 2007 Legislature implemented various cost containment initiatives that would control expenditures as well as provided additional funds to cover the estimated shortfall in FY 2006-2007 and FY 2007-2008. SB 1124 was enacted requiring APD to work with the Agency for Health Care Administration to develop a four-tiered waiver system. All tiers, except tier one, will 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. APD was also directed to eliminate chore, nonresidential support, homemaker, massage therapy, and psychological assessment services. Other services will be limited either to who may receive the service, or the quantity of service a client may receive.

**PROJECT OBJECTIVE(S):**

The project will monitor APD's budget deficit, the plan to reduce to the deficit, and the progress towards implementing the new four-tiered waiver system.

**METHODOLOGY:**

Professional staff will meet periodically with representatives from APD to review, discuss and monitor implementation of the legislation. Staff will review APD documents and reports used in the process for feasibility, reasonableness, completeness, compliance with statutes, and legislative intent.

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# HEALTH POLICY

## Interim Projects

**INTERIM PROJECT TITLE:**

*Review of the Medicaid Home and Community-based Waiver Program for Persons with Alzheimer's Disease*

**DATE DUE:** October 1, 2007

**PROJECT NUMBER:** 2008-133

**BACKGROUND and DESCRIPTION:**

Dementia is a brain disorder that seriously affects a person's ability to carry out daily activities. The most common form of dementia among older people is Alzheimer's disease, which initially involves the parts of the brain that control thought, memory, and language. It is still not known what causes Alzheimer's and there is no cure. Alzheimer's disease afflicts over 4.5 million persons in the United States, and almost half a million Floridians.

The Alzheimer's Disease Initiative (ADI) was legislatively created in 1985 to provide a continuum of services to meet the changing needs of individual's with Alzheimer's disease, and similar memory disorders, and their families. The initiative is comprised of four components including: 1) memory disorder clinics that provide diagnosis, research, treatment, and referrals; 2) model day care programs to test new care alternatives; 3) a research database and brain bank to support research; and 4) supportive services including case management counseling, consumable medical supplies, respite for caregivers, and nine other services as part of Medicaid's Alzheimer's Home and Community-Based Waiver Program. The statutory authorization for the ADI is found in ss. 430.501-430.504, Florida Statutes.

Subsections (7), (8), and (9) of s. 430.502, F.S., require the Agency for Health Care Administration (AHCA) and the Department of Elderly Affairs (DOEA) to implement a Medicaid home and community-based waiver program for persons with Alzheimer's disease. In November 2003, the Florida Medicaid program submitted waiver applications to the federal Centers for Medicare and Medicaid Services (CMS) in compliance with these statutory requirements. However, individuals were not enrolled in the program until FY 2005-06. As approved by CMS, the waivers created a Medicaid Alzheimer's Home and Community-Based Waiver Program "to assist persons with Alzheimer's disease to remain in the community and maintain their functioning as long as possible by providing supportive services to the beneficiaries and their caregivers." The authority to continue the waiver program expires at the close of the 2008 Regular Session unless the Legislature takes action to continue the program.

**PROJECT OBJECTIVE(S):**

The project will determine: 1) how many people are enrolled in and using the waiver services; 2) whether the waiver is considered effective in helping individuals with Alzheimer's disease remain in the community; and 3) whether the waiver should be reauthorized during the 2008 Regular Session of the Legislature.

**METHODOLOGY:**

Professional staff from the Health Policy Committee and the Children, Families, and Elder Affairs Committee will conduct a joint project to develop recommendations regarding reauthorization. The

professional staff will conduct interviews with operational staff in the AHCA and the DOEA to assess the implementation of the waiver program. Professional staff will also review data related to the waiver program's implementation and review evaluations of the waiver program conducted by the Louis de la Parte Florida Mental Health Institute.

**INTERIM PROJECT TITLE:**

*Review of the Florida Statutes Relating to HIV Testing*

**DATE DUE:** October 1, 2007

**PROJECT NUMBER:** 2008-134

**BACKGROUND and DESCRIPTION:**

AIDS is the acronym for acquired immune deficiency syndrome. It is a fatal disease caused by a virus. The virus that causes AIDS is the human immunodeficiency virus, or HIV. The HIV infection causes people to get AIDS by damaging their immune systems. Without the ability to resist disease, people with AIDS fall ill easily, get sick often, and have great difficulty recovering. People do not die from HIV infection directly. Rather, they die from the "opportunistic" infections and diseases they get because their immune system is not working properly.

According to the Centers for Disease Control and Prevention (CDC), an estimated one-fourth of one million Americans believed to be living with HIV remain unaware of their infection. The CDC emphasizes that new approaches are urgently needed to reach these individuals with information on their HIV infection, and are essential to the success of HIV prevention and care efforts in the United States. The CDC has recently recommended that HIV testing become a part of routine care for all persons between the ages of 13 and 64. It emphasizes that the testing must be voluntary and undertaken only with the patient's knowledge, but recommends that pre-test counseling and separate, written consent for HIV testing should no longer be required. It is asserted that the revised recommendations for HIV testing in certain settings will result in an earlier diagnosis and treatment of HIV infected persons.

Section 381.004, F.S., contains extensive requirements for HIV testing, including informed consent for the testing, confidentiality of test results, and county health department HIV testing programs. Under this section, the Florida Department of Health implements an extensive HIV testing program. As required by CDC-funded grants, Florida law requires informed consent, pretest and posttest counseling. Since testing and reporting began in 1981, through 2004, a total of 96,849 AIDS cases have been reported in Florida. This places Florida third in the nation for reported AIDS cases. Since HIV testing and reporting began in 1997 through 2004, a total of 33,489 HIV cases have been reported in Florida. In 2004 alone, 6,341 HIV cases were reported.

**PROJECT OBJECTIVE(S):**

This project will review Florida's laws to determine what changes would have to be made in order to comply with the CDC's revised recommendations for HIV testing and the guidelines for CDC-funded grants for HIV testing.

**METHODOLOGY:**

Staff will research applicable state and federal laws and the latest CDC guidelines for HIV testing. Staff will meet with the staff of the Florida Department of Health and other interested stakeholders.

## Mandatory Reviews

**INTERIM MANDATORY REVIEW TITLE:**

*Open Government Sunset Review of Section 409.821, F.S., Public Records Exemption for the Florida KidCare Program*

**DATE DUE:** October 1, 2007

**PROJECT NUMBER:** 2008-214

**BACKGROUND and DESCRIPTION:**

The Florida Kidcare program provides health care coverage for low-income children. The program was established in 1998 as a combination of Medicaid expansions and public/private partnerships, with a wrap-around delivery system serving children with special health care needs. The Florida Kidcare program is primarily targeted to uninsured children under age 19 whose family income is at or below 200 percent of the federal poverty level (\$40,000 for a family of four in 2006). The Florida Kidcare program is outlined in ss. 409.810 through 409.821, F.S.

As structured, Florida Kidcare is an “umbrella” program that currently includes the following four components: Medicaid for children; Medikids; the Florida Healthy Kids program; and the Children’s Medical Services Network, which includes a behavioral health component. Family income level, age of the child, and whether the child has a serious health condition are the eligibility criteria that determine which component serves a particular child.

Section 409.821, F.S., makes confidential and exempt from the public records requirements any information identifying a Florida Kidcare program applicant or enrollee that is held by the Agency for Health Care Administration (AHCA), the Department of Children and Family Services (DCF), the Department of Health (DOH), or the Florida Healthy Kids Corporation (FHKC). Section 2 of ch. 2003-104, L.O.F., provides that this section will be repealed on October 2, 2008, unless reviewed and saved from repeal through reenactment by the Legislature.

**PROJECT OBJECTIVE(S):**

This project will determine the types of records that are made confidential and exempt by this provision and the justification for whether to reenact the exemption, with or without modification.

**METHODOLOGY:**

Professional staff from the Health Policy Committee will survey and conduct follow-up interviews with Florida Kidcare program administrators in the AHCA, the DCF, the DOH, and the FHKC, to identify the records affected by the exemption and the administrators’ justification for reenacting the exemption. Professional staff will also survey the First Amendment Foundation staff to determine if they have any concerns about this particular exemption.

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*Reauthorization of the State Children's Health Insurance Program (SCHIP)*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-365

**BACKGROUND and DESCRIPTION:**

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

Under the SCHIP, the federal government provides a capped amount of funds to states on a matching basis. The SCHIP funds are allocated annually to the 50 states, the District of Columbia, and the U.S. commonwealths and territories. Each state's annual SCHIP allotment is available as a federal match based on state expenditures. At the time of the SCHIP enactment, Congress appropriated approximately \$40 billion over 10 years (1998 through 2007) for allotments to states to expand health insurance coverage for millions of children.

The Florida Kidcare program was established in 1998 in response to the enactment of the federal SCHIP. The program is a combination of Medicaid expansions and public/private partnerships, with a wrap-around delivery system serving children with special health care needs. Enrollment in the Florida Kidcare program was initiated on October 1, 1998, and 1,389,454 children were enrolled in the various components of the Florida Kidcare program as of May 2007. Of this total, 220,345 children are Title XXI eligible, 26,626 children are non-Title XXI eligible, and 1,142,483 children are eligible under the Medicaid Title XIX program.

In order to continue operating the SCHIP without interruption, Congress must reauthorize the law and appropriate new funding for the federal program before September 2007. Of most significant concern is the inability of many states to continue funding their SCHIPs without timely reauthorization.

**PROJECT OBJECTIVE(S):**

This monitoring project will identify changes in federal SCHIP policy and federal allotments for the program that result from reauthorization. The project will also identify if there are any modifications to state policies necessary to comply with SCHIP reauthorization.

**METHODOLOGY:**

Professional staff from the Health Policy Committee will track reauthorizing language in fiscal and substantive federal legislation. Professional staff will also review reports and policy briefs from policy centers at the federal and state level regarding reauthorization activities. Finally, professional staff will meet with Florida Kidcare program administrators to track federal changes and determine how they will affect the Florida Kidcare program.

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# HEALTH REGULATION

## Interim Projects

**INTERIM PROJECT TITLE:**

*Review Regulatory Requirements for Home Health Agencies*

**DATE DUE:** November 1, 2007

**PROJECT NUMBER:** 2008-135

**BACKGROUND and DESCRIPTION:**

Home health agencies are licensed by the Agency for Health Care Administration under part III of chapter 400, F.S. Home health services are defined as health and medical services and medical supplies furnished by an organization to an individual in the individual's home or place of residence. The term includes organizations that provide one or more of the following: nursing care; physical, occupational, respiratory, or speech therapy; home health aide services; dietetics and nutrition practice and nutrition counseling; and medical supplies, restricted to drugs and biologicals prescribed by a physician.

In July 2000, the state requirement to obtain a certificate of need for new home health agencies was repealed. In May 2000, there were 1059 licensed home health agencies in Florida. In September 2006, there were 1614 licensed home health agencies in Florida. Both the Agency for Health Care Administration and the home health industry are concerned about the proliferation of home health agencies, particularly in the Miami Dade area.

Prior to the elimination of certificate-of-need review for new home health agencies, there were not any indications of systemic or widespread quality problems with home health services. In 2001, there were seven home health agencies that did not meet federal conditions of participation in the Medicare program. In 2006, 70 home health agencies did not meet federal conditions. Since the elimination of certificate-of-need review problems have surfaced, particularly in the Miami-Dade area. It appears that people may be opening home health agencies without having the proper qualifications or experience and that the quality of care may be compromised.

**PROJECT OBJECTIVE(S):**

The objectives of this project are to determine whether the proliferation of home health agencies is a statewide or regional problem, whether the increase in the number of home health agencies has led to lower quality services, and whether additional state regulations should be enacted to ensure that home health services meet minimum standards of quality.

**METHODOLOGY:**

Staff will review and analyze a recent report prepared by the agency regarding home health agencies. Staff will review the licensure requirements and regulatory standards for starting a home health agency in Florida and in other states. Staff will review complaints filed with the agency relating to home health services, particularly in the Miami Dade area. If possible, staff will participate in a licensure survey of a home health agency.



**INTERIM PROJECT TITLE:**

*Florida Patient Safety Corporation*

**DATE DUE:** November 1, 2007

**PROJECT NUMBER:** 2008-136

**BACKGROUND and DESCRIPTION:**

The Florida Patient Safety Corporation was created by s. 18 of ch. 2004-297, Laws of Florida. The purpose of the corporation is to assist health care providers in this state to improve the quality and safety of health care rendered and to reduce harm to patients. The corporation is to promote the development of a culture of patient safety in the health care system in this state. The Florida Statutes outline the board of directors and membership; advisory committees; organization and meetings; powers and duties; the annual report; funding; and performance expectations.

As part of the performance expectations, the Office of Program Policy Analysis and Government Accountability (OPPAGA) was directed to review the corporation's progress and make recommendations to the Legislature in 2006. The OPPAGA found that the corporation has made progress toward fulfilling its statutory duties, but still needs to take steps to develop its infrastructure. The OPPAGA found that the corporation needed to do the following four things: employ full time staff with patient safety expertise; develop an annual work plan; establish working partnerships with stakeholders; and acquire grant and private sector funding. Even though the OPPAGA completed this review, the statutory authority of the corporation has not been updated since it was enacted in 2004.

Also affecting the corporation is the status of Amendment 7, which passed in November 2004, becoming Article X, Section 25 of the Florida Constitution. For the stated purpose of patient self-protection, this amendment gives patients "access to any records made or received in the course of business by a health care facility or provider relating to any adverse medical incident." There have been legal challenges and two consolidated cases are scheduled to be heard before the Florida Supreme Court on June 7, 2007 – Florida Hospital Waterman v. Buster and Notami Hospital of Florida v. Bowen. The outcome of these two cases will affect the work of the corporation and the direction of future projects, especially the near-miss reporting system.

**PROJECT OBJECTIVE(S):**

The objectives of this project are to review the activities of the corporation to see if it has implemented the recommendations of the 2006 OPPAGA study, to determine if obsolete provisions should be deleted, and if the authorizing statute should be amended to improve the effectiveness of the corporation.

**METHODOLOGY:**

Staff will contact the corporation and review what has been implemented since the OPPAGA study. Staff will monitor the Amendment 7 court cases to determine the effect of court decisions on the corporation. Staff will review the statute to see what is now obsolete and what should be amended.

**INTERIM PROJECT TITLE:**

*Evaluate Extension of Sovereign Immunity to Contract Health Care Providers in Regional Perinatal Intensive Care Centers*

**DATE DUE:** October 1, 2007

**PROJECT NUMBER:** 2008-137

**BACKGROUND and DESCRIPTION:**

The Regional Perinatal Intensive Care Centers (RPICC) program is implemented by the Department of Health (DOH) under ss. 383.15-383.21, F.S. The RPICCs provide medical care for high-risk pregnant women and infants with low birth weight or other health complications who are medically eligible and who require highly specialized intensive medical care. The DOH contracts with health care providers that serve as RPICCs. The contract must provide that patients will receive services from the center and that the parents or guardians of patients who participate in the program and who are in compliance with Medicaid eligibility requirements may not be additionally charged for treatment and care under the contract. The DOH must designate at least one center to serve a geographic area representing each region of Florida in which at least 10,000 live births occur per year. Twelve RPICCs are located throughout Florida.

The doctrine of sovereign immunity prohibits lawsuits in state court against a state government, and its agencies and subdivisions without the government's consent. Article X, Section 13, of the State Constitution, authorized the Florida Legislature in 1868 to waive sovereign immunity by stating that, "Provision may be made by general law for bringing suit against the state as to all liabilities now existing or hereafter originating." Section 768.28, F.S., provides that sovereign immunity for tort liability is waived for the state, and its agencies and subdivisions, but imposes a \$100,000 limit on the government's liability to a single person and, for claims arising out of a single incident, the limit is \$200,000. Section 768.28, F.S., outlines requirements for claimants alleging an injury by the state or its agencies. Section 11.066, F.S., requires a claimant to petition the Legislature, in accordance with its rules, to seek an appropriation to enforce a judgment against the state or state agency. The exclusive remedy to enforce damage awards that exceed the recovery cap is by an act of the Legislature.

Sovereign immunity is potentially available to private entities who contract with the government. Section 768.28(9), F.S., states that agents of the state or its subdivisions are not personally liable in tort; instead, the government entity is held liable for its agent's torts. The factors required to establish an agency relationship are: (1) acknowledgment by the principal that the agent will act for him; (2) the agent's acceptance of the undertaking; and (3) control by the principal over the actions of the agent. The existence of an agency relationship is generally a question of fact to be resolved by the fact-finder based on the facts and circumstances of a particular case. In the event, however, that the evidence of agency is susceptible of only one interpretation the court may decide the issue as a matter of law.

**PROJECT OBJECTIVE(S):**

This project would evaluate the policy implications of extending sovereign immunity to contract health care providers in the RPICCs.

**METHODOLOGY:**

Staff will review applicable case law on sovereign immunity and work with the Department of Health, the Division of Risk Management within the Department of Financial Services, and other

stakeholders regarding the risk exposure and the policy implications of extending sovereign immunity to health care providers in the RPICCs.

**INTERIM PROJECT TITLE:**

*Availability of Physicians and Physician Specialists for Hospital Emergency Services and Care*

**DATE DUE:** November 1, 2007

**PROJECT NUMBER:** 2008-138

**BACKGROUND and DESCRIPTION:**

Part I, chapter 395, F.S., governs the regulation of hospitals, ambulatory surgical centers, and mobile surgical facilities. Hospitals are not required as a condition of licensure to provide emergency services and care. As of April 2007, there were approximately 215 hospitals providing emergency room services. “Emergency services and care” means medical screening, examination, and evaluation *by a physician*, or, to the extent permitted by applicable law, by other appropriate personnel under the *supervision of a physician*, to determine if an emergency medical condition exists and, if it does, the care, treatment, or surgery by a physician necessary to relieve or eliminate the emergency medical condition, within the service capability of the facility.

Although a hospital is not required to have an emergency department, if the hospital has one it must comply with federal and state laws to provide *emergency services and care* regardless of the ability of the patient to pay for those services. Hospital emergency departments respond to life-threatening injuries and illnesses and serve as a provider of last resort for patients who do not otherwise have access to health care. The number and rate per population for emergency department visits have increased over the past ten years at both the national and state level.

Published studies have found that on-call physician specialist coverage in emergency departments is dwindling on the state and national level. It is unclear to what extent the drop in on-call physician specialist coverage is due to a decrease in the supply of physicians, an increase in the population requiring emergency medical services, a shift in practice models by physicians no longer looking to the emergency department to build their practices, the lack of affordable professional liability coverage, or the loss of physician specialists to non-hospital based practices. Previous studies of on-call physician specialist coverage in emergency departments have been hampered by the lack of available or reliable data.

**PROJECT OBJECTIVE(S):**

To the extent that data is available, staff will review the availability of physician specialists for hospital emergency services and care. If appropriate, staff will make recommendations for legislative changes to address the issue.

**METHODOLOGY:**

Staff will review available literature relating to on-call physician specialist coverage in emergency departments. Staff will consult with the staff of the Department of Health and the Agency for Health Care Administration to identify and evaluate the available data on physician work force supply. To the extent practicable, staff will determine the availability of physician specialists practicing in hospital emergency departments. Staff will also meet with interested stakeholders.

## Mandatory Reviews

(None)

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*Implementation of Legislation Relating to Administration of Influenza Virus Immunizations by Pharmacists*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-366

**BACKGROUND and DESCRIPTION:**

Legislation passed in the 2007 Session authorizes a Florida-licensed pharmacist to administer influenza virus immunizations to adults under a protocol with a supervisory Florida-licensed osteopathic or medical physician. The legislation establishes additional requirements for a pharmacist seeking to immunize patients against the influenza virus.

**PROJECT OBJECTIVE(S):**

This project will monitor the extent to which pharmacists are authorized to administer influenza virus immunizations to adults and whether there are any adverse health effects reported by the appropriate health provider.

**METHODOLOGY:**

Committee staff will consult and hold meetings with the Department of Health staff and interested stakeholders involved in implementation of the requirements of the legislation. Staff will monitor rule development by the Board of Pharmacy and will review a sample of protocols submitted by pharmacists to the board.

**INTERIM MONITOR PROJECT TITLE:**

*Patients' Right to Know*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-367

**BACKGROUND and DESCRIPTION:**

In November 2004, Amendment 7 passed, becoming Article X, Section 25 of the Florida Constitution. For the stated purpose of patient self-protection, this amendment gives patients "access to any records made or received in the course of business by a health care facility or provider relating to any adverse medical incident." Although this amendment passed, the adverse incident reports remain private because of legal challenges.

There are two consolidated cases that are scheduled to be heard before the Florida Supreme Court on June 7, 2007 – Florida Hospital Waterman v. Buster and Notami Hospital of Florida v. Bowen. There have been other cases involved in this dispute. These two are the first to be taken up on appeal by the Florida Supreme Court.

During the 2005 Legislative Session an implementing law passed (see s. 381.028, F.S.). The Florida Supreme Court is being asked to determine if Article X, Section 25 of the Florida Constitution is self executing and whether s. 381.028, F.S., is constitutional. The Florida Supreme Court is also being asked to determine if this amendment is pre-empted by federal law. Another question being asked is whether or not the amendment should apply retroactively. In essence the court is being asked to clarify what the amendment actually does and does not do.

**PROJECT OBJECTIVE(S):**

To monitor court cases relating to patients’ right to know about adverse medical incidents, Article X, Section 25, Florida Constitution, to determine if s. 381.028, F.S., should be amended.

**METHODOLOGY:**

Staff will attend the oral arguments at the Florida Supreme Court and monitor Westlaw for written opinions released regarding this issue.

**INTERIM MONITOR PROJECT TITLE:**

*Implementation of Legislation Relating to Physician Workforce Planning*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-368

**BACKGROUND and DESCRIPTION:**

Legislation passed in the 2007 Session requires the Department of Health (DOH) to serve as a coordinating and strategic planning body to actively assess Florida’s current and future physician workforce needs and work with multiple stakeholders to develop strategies and alternatives to address current and projected physician workforce needs. The DOH must maximize the use of existing programs under the DOH and other state agencies and coordinate governmental and nongovernmental stakeholders and resources in order to develop a state strategic plan and assess the implementation of the strategic plan. The legislation specifies a variety of functions the DOH must undertake as part of developing the strategic plan. The DOH must maintain a database to serve as a statewide source of data concerning the physician workforce. The legislation requires each Florida-licensed allopathic or osteopathic physician, in conjunction with the renewal of his or her license under procedures adopted by the DOH, to furnish specified information to the DOH in a physician survey.

**PROJECT OBJECTIVE(S):**

This project will monitor the DOH’s implementation of legislation relating to physician workforce, which if approved by the Governor, will take effect upon becoming a law.

**METHODOLOGY:**

Committee staff will consult and hold meetings with agency staff and interested stakeholders involved in implementation of the physician workforce survey and database. Staff will monitor rule development by the DOH.

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# HIGHER EDUCATION

## Interim Projects

**INTERIM PROJECT TITLE:**

*Performance of State-supported Private Postsecondary Institutions*

**DATE DUE:** October 1, 2007

**PROJECT NUMBER:** 2008-139

**BACKGROUND and DESCRIPTION:**

Florida provides tuition assistance programs, as defined in ss. 1009.89 and 1009.891, F.S., for the purpose of reducing the cost of private school tuition to students. The 2007 Legislature appropriated \$102 million for the William L. Boyd, IV, Florida Resident Assistance Grant program and \$4.4 million for the Access to Better Learning and Education Grant Program.

During the 2007 Session, members of the Higher Education Committee requested information concerning the performance of students at such private postsecondary institutions and the success of the students in employment after graduation. The committee members also asked broad questions, such as how to measure the quality of the educational program and the benefit to the state from publicly-funded tuition assistance for students at private postsecondary institutions.

**PROJECT OBJECTIVE(S):**

To provide the committee with information concerning the performance of private postsecondary institutions that enroll students who are supported by state-funded tuition assistance.

**METHODOLOGY:**

Through a survey of private postsecondary education institutions and in consultation with Department of Education staff, committee staff will gather data concerning students whose enrollment at private postsecondary institutions is supported by state funded tuition assistance. Likely measures of quality include SAT scores and other admissions criteria, graduation rates, the time required to earn a degree, the amount of students' education-related debt after leaving an institution, employment after graduation, and wages earned.

## Mandatory Reviews

*(None)*

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**  
*State University Tuition Differential*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-369

**BACKGROUND and DESCRIPTION:**

The 2007 Legislature authorized the Board of Governors of the State University System (BOG) to establish a tuition differential—a supplemental fee that certain research universities could charge for instruction if it is approved by the BOG. Research universities that meet the criteria for Funding Level 1 and 2 under the State University System Research and Economic Development Investment Program would be eligible for the tuition differential. Revenue generated by the tuition differential must be spent solely for improving the quality of direct undergraduate instruction and support services.

The tuition differential at Level 1 schools is capped at 40 percent of tuition. Funding of the tuition differential at Level 2 schools cannot exceed 30 percent of tuition. However, the maximum tuition differential established by the BOG for Level 1 institutions must be at least 30 percent greater than the maximum tuition differential established by the board for Level 2 institutions. The growth of tuition plus the differential cannot exceed 15 percent for any fiscal year.

**PROJECT OBJECTIVE(S):**

To monitor the implementation of the tuition differential created in CS/SB 1710.

**METHODOLOGY:**

Staff will monitor activities of the BOG relating to establishment of a tuition differential. If a university establishes a tuition differential, staff will monitor the implementation.

**INTERIM MONITOR PROJECT TITLE:**  
*Rulemaking Requirements in Higher Education Governance*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-370

**BACKGROUND and DESCRIPTION:**

The 2007 Legislature passed CS/CS/SB 1270, which addresses governance in higher education. This legislation delineates powers and duties of the Board of Governors of the State University System (BOG) and defines its relationship to other entities. This bill also clarifies that the BOG and the University Boards of Trustees (UBOTs) are required to adopt rules in compliance with chapter 120, F.S., when acting pursuant to statutory authority.

This legislation specifically requires the BOG to adopt rules regarding: tuition benefits for children and spouses of deceased officers and firefighters; gender parity at state universities; use of property, facilities, or services by direct-support organizations; health and safety at state universities; substitute

admission requirements; implementation of certain student fees; financial records and accounts of state universities; budget systems for state universities; construction and maintenance of educational plants; fire safety inspections; disposal of land or property by a UBOT; and standards for determining facility space needs. In certain instances, the BOG is required to collaborate with other entities in rule adoption, such as the Adjutant General regarding Florida National Guard education assistance programs, and the State Board of Education regarding a statewide articulation agreement.

The UBOTs are required to adopt rules regarding student withdrawal from courses due to military service and the use of property, facilities, or personal services by direct-support organizations.

**PROJECT OBJECTIVE(S):**

To monitor rulemaking activities of the BOG and the UBOTs pursuant to governance legislation.

**METHODOLOGY:**

Staff will review proposed and adopted rules of the BOG and the UBOTs.

**INTERIM MONITOR PROJECT TITLE:**

*Community College Baccalaureate Degree Programs*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-371

**BACKGROUND and DESCRIPTION:**

The 2007 Legislature revised the procedures under which a community college may deliver baccalaureate degree programs. In addition to the current authorization for a community college to develop baccalaureate degree proposals that meet local workforce needs, the bill authorizes a community college to develop proposals to deliver baccalaureate degree programs in math and science that would prepare graduates to enter a teaching position in math or science.

The bill (CS/HB 7147) requires a community college to notify the State Board of Education (SBE) of its plan to offer a baccalaureate degree at least 90 days prior to its submission of the plan to the SBE. The SBE must notify state universities and regionally accredited private colleges and universities of the community college's intent. State universities have 60 days to submit an alternative plan to offer the baccalaureate degree on the community college's campus. In the absence of a state university proposal, the SBE must provide regionally accredited private colleges and universities 30 days to submit an alternative proposal to the SBE.

**PROJECT OBJECTIVE(S):**

To monitor the implementation of the revised procedures for community colleges' delivery of baccalaureate degrees as enacted in CS/HB 7147.

**METHODOLOGY:**

Staff will monitor baccalaureate degree proposal notifications submitted to the SBE by community colleges and any alternative proposals by universities or private colleges and universities.



**INTERIM MONITOR PROJECT TITLE:**

***The Florida Technology, Research, and Scholarship Board***

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-372

**BACKGROUND and DESCRIPTION:**

The 2006 Legislature created the Florida Technology, Research, and Scholarship Board to guide the establishment of Centers of Excellence and the attraction of world class scholars to state universities. The 2007 Legislature gave the board responsibility for State University Research Commercialization Assistance Grants to provide support for the commercialization of products and services developed from the research and development conducted at state universities.

The 2007 Legislature appropriated \$100 million for Centers of Excellence and \$4 million for the state university research commercialization assistance grant program. The board will award that money in grants and contracts to universities.

**PROJECT OBJECTIVE(S):**

To monitor activities of the Florida Technology, Research, and Scholarship Board.

**METHODOLOGY:**

Committee staff will monitor the board's review of proposals and awarding of grants for Centers of Excellence and commercialization of university research.

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# HIGHER EDUCATION APPROPRIATIONS

## Interim Projects

**INTERIM PROJECT TITLE:**

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

**DATE DUE:** October 1, 2007

**PROJECT NUMBER:** 2008-140

**BACKGROUND and DESCRIPTION:**

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.

**PROJECT OBJECTIVE(S):**

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

**METHODOLOGY:**

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

**INTERIM PROJECT TITLE:**

*The Effect of Budget Autonomy on the Operations of State University Branch Campuses*

**DATE DUE:** January 4, 2008

**PROJECT NUMBER:** 2008-141

**BACKGROUND and DESCRIPTION:**

The long standing practice in Florida has been to designate legislative appropriations for the support of university operations at the university level. However, the practice is not uniform in the case of state university branch campuses. The legislature designates appropriations to some specific branch campuses, such as USF, St. Petersburg and USF, Sarasota/Manatee. Conversely, the state support for other university branch campuses is embedded in the appropriations to their parent universities.

**PROJECT OBJECTIVE(S):**

To provide the committee with information to evaluate the impact of specific appropriations and autonomous budgets on the service delivery and program development of branch campuses.

**METHODOLOGY:**

The committee staff will review the history of appropriations and expenditures for state university branch campuses to evaluate differences in the use of such appropriations between campuses with autonomous budgets and those which are incorporated within the budgets of their parent institutions. The committee staff will also evaluate enrollment trends and graduation rates for branch campuses to ascertain differences in performance of those with autonomous budgets and those which are budgeted through their parent institutions. Finally, committee staff will interview various staff of the Board of Governors, state university main campuses, and state university branch campuses to solicit opinions and experiences under each approach for funding branch campuses.

## Mandatory Reviews

*(None)*

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*Implementation of Programs Relating to University Commercialization Grants*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-373

**BACKGROUND and DESCRIPTION:**

HB 83 creates the State University Research Commercialization Assistance Grant Program under the Florida Technology, Research, and Scholarship Board to assist state universities in the development and implementation of business plans to help commercialize a product. The program offers a three tiered grant program to assist in commercializing university products. \$4 million has been appropriated for the commercialization grants.

**PROJECT OBJECTIVE(S):**

This interim project will monitor the processes which result in the allocation of appropriated funds to the commercialization grants as well as the accountability provisions adopted by the Florida Technology, Research, and Scholarship Board to track the use of funds and associated project outcomes.

**METHODOLOGY:**

Staff will monitor relevant meetings of the Board of Governors and the Florida Technology, Research, and Scholarship Board relating to the commercialization grant program.

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# JUDICIARY

## Interim Projects

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**INTERIM PROJECT TITLE:**

*Legal Issues and State Authority Related to Territorial Waters*

**DATE DUE:** October 1, 2007

**PROJECT NUMBER:** 2008-142

**BACKGROUND and DESCRIPTION:**

The numerous and varied activities that take place in the waters off the coast of Florida may come under the jurisdiction of state, federal, or international laws. The interplay among state, federal, and international laws relating to enforcement powers in territorial waters, as well as the court decisions interpreting those laws, can significantly affect the regulatory and other policy options of the state, as well as the rights of litigants. For example, in *State v. Raffield*, 515 So. 2d 283 (Fla. 1st DCA 1987), the court discussed the authority of the state to regulate commercial fishing outside its territorial waters. In *Sunland Estates, Inc., v. Department of Environmental Regulation*, 559 So. 2d 1253 (Fla. 3d DCA 1990), the court found that the state has concurrent jurisdiction with the federal government over dredge and fill operations in state territorial waters. In *Benson v. Norwegian Cruise Line*, 859 So. 2d 1213 (Fla. 3d DCA 2003), the family of a cruise ship passenger who died when the ship was 11.7 nautical miles offshore sued the ship's physicians. Despite the defendant's assertion that the ship was outside Florida's jurisdiction, the appellate court ruled that the alleged malpractice occurred within Florida's territorial boundaries because the state was entitled to use the western edge of the Gulf Stream to establish its sea boundary.

**PROJECT OBJECTIVE(S):**

The purpose of this interim project is to analyze significant developments in the law relating to the state's territorial waters and to identify the parameters of state authority in those waters, in order to give the Legislature guideposts to govern its options for asserting regulatory or other policy-making jurisdiction.

**METHODOLOGY:**

To complete this project, committee staff will review state and federal statutes and international maritime treaties, case law, and law review articles, as well as consult with maritime law experts and others with experience in maritime operational or enforcement activities.

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**INTERIM PROJECT TITLE:**

*Apportionment of Fault of Nonparties in Negligence Actions*

**DATE DUE:** November 1, 2007

**PROJECT NUMBER:** 2008-143

**BACKGROUND and DESCRIPTION:**

In 1997, the Florida Supreme Court held in *Disney v. Wood*, 515 So. 2d 198 (Fla. 1987), that Disney was liable under the doctrine of joint and several liability for damages primarily caused by the

negligence of others. In that case, fault for a plaintiff's injuries was apportioned as follows: 14 percent to the plaintiff, 85 percent to the plaintiff's fiancé, and 1 percent to Disney. Ultimately, Disney was financially responsible for 86 percent of the plaintiff's damages.

In response to the case, the Legislature enacted, s. 768.81, F.S. (Supp.1986), its first limits on the application of the doctrine of joint and several liability. That statute required courts to "enter judgment against each party liable on the basis of such party's percentage of fault and not on the basis of the doctrine of joint and several liability." In 1993, the Florida Supreme Court in *Fabre v. Marin*, 623 So. 2d 1182 (Fla. 1993), analyzed the statute to determine whether a court may apportion fault to a nonparty to a lawsuit. The Court concluded that fault must be apportioned to nonparties to the lawsuit to enable judgments to be entered on the basis of a party's percentage of fault.

Prior to *Fabre*, defendants were financially responsible for damages caused by nonparties. Apportionment of fault to nonparties causes the injured plaintiff to bear the burden of damages caused by a nonparty. To this day, trial lawyers have sought to overturn *Fabre* through the legislative process. Business interests have opposed those efforts.

**PROJECT OBJECTIVE(S):**

This interim project will identify how other states apportion fault caused by nonparties and evaluate the advantages and disadvantages of the various apportionment methods.

**METHODOLOGY:**

To accomplish the objectives of the project, committee staff will review statutes, consult with interested persons and experts, and review case law and law review articles.

**INTERIM PROJECT TITLE:**

*Analysis of Cause of Action for False Light Invasion of Privacy*

**DATE DUE:** October 1, 2007

**PROJECT NUMBER:** 2008-144

**BACKGROUND and DESCRIPTION:**

According to the Restatement of Torts, under the tort of "false light," one who gives publicity to a matter concerning another which places the other before the public in a false light is subject to liability for invasion of his or her privacy if: 1) the false light in which the other was placed would be highly offensive to a reasonable person, and 2) the actor had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which the other would be placed.

The Florida Supreme Court recognized and created a distinct right of privacy as part of Florida tort law. There are four types of wrongful conduct that can all be remedied with resort to an invasion of privacy action. These four privacy actions are: 1) appropriation, which is the unauthorized use of a person's name or likeness to obtain some benefit; 2) intrusion, which is physically or electronically intruding into one's private quarters; 3) public disclosure of private facts, which is the dissemination of truthful private information which a reasonable person would find objectionable; and 4) false light in the public eye, which is the publication of facts which place a person in a false light even though the facts themselves may not be defamatory.

During the 2006 and 2007 regular legislative sessions, measures were introduced which sought to reform or eliminate the cause of action for false light invasion of privacy in Florida. See Senate Bill 1346 (2006 Regular Session) and Senate Bill 1650 (2007 Regular Session).

**PROJECT OBJECTIVE(S):**

The purpose of this interim project is to analyze the cause of action in Florida for false light invasion of privacy in the event the Legislature wishes to enact legislation affecting the cause of action.

**METHODOLOGY:**

Committee staff will review and analyze multi-state case law on the false light cause of action, with particular focus on Florida case law; review legal scholarship on the topic; and consult with legal scholars and practitioners.

## Mandatory Reviews

(None)

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*Electronic Recording and Notarization*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-374

**BACKGROUND and DESCRIPTION:**

During the 2007 Regular Session, the Legislature enacted a measure adopting the Uniform Real Property Electronic Recording Act, which begins the process of electronic recording of real property documents with county recorders. (See CS/CS/SB 2038.) The bill provides county recorders the legal authority to prepare for electronic recording of real property instruments, and authorizes county recorders to begin accepting records in electronic form. The bill creates an Electronic Recording Advisory Committee, with which the Department of State shall consult when adopting standards to implement electronic recording.

The Legislature also enacted a measure authorizing notaries public to use electronic notarization for documents requiring notarization. (See CS/HB 1305.) The bill implements standards for secure electronic notarization in order to receive the same level of credibility and reliability as paper-based notarizations. The bill authorizes the Department of State to adopt rules to ensure the security, reliability, and uniformity of signatures and seals authorized under the legislation.

**PROJECT OBJECTIVE(S):**

The purpose of this monitor project is to track implementation of the legislation authorizing electronic recording and electronic notarization, if the bills become law, in order to identify any further legislative action that may be necessary to effectuate the purposes of the measures.

**METHODOLOGY:**

This monitor project will entail attending meetings of the Electronic Recording Advisory Committee, to the extent feasible, and communicating with staff of the Department of State, county recorders, notaries public, and other practitioners involved in real property and other transactions involving recording and notarization of documents.

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# MILITARY AFFAIRS AND DOMESTIC SECURITY

## Interim Projects

**INTERIM PROJECT TITLE:**

*Florida Veterans' Healthcare Facilities and Outreach Services*

**DATE DUE:** October 1, 2007

**PROJECT NUMBER:** 2008-145

**BACKGROUND and DESCRIPTION:**

According to the U. S. Department of Veterans Affairs, approximately 1.8 million veterans reside in Florida. In addition, approximately 123,000 Floridians have served in Operation Iraqi Freedom and Operation Enduring Freedom. As these veterans age or return home from recent combat operations, they may avail themselves of the available veterans' health care services in increasing numbers.

In order to assist these veterans, the Florida Department of Veterans' Affairs operates one veterans' domiciliary home and five veterans' nursing homes around the state. The department also operates County Veterans Service Offices throughout the state. These offices provide outreach and assistance to Florida's veterans who are seeking healthcare and other benefits from the federal Department of Veterans Affairs.

**PROJECT OBJECTIVE(S):**

To assess the adequacy and effectiveness of outreach services and veterans' healthcare services, including mental health services, currently available to Florida's veterans and make recommendations regarding potential future legislative action.

**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 veterans' outreach and health care delivery activities. Workshops and meetings may be held to obtain and review information related to this project.

**INTERIM PROJECT TITLE:**

*Domestic Security - Radiation Detection Devices*

**DATE DUE:** October 1, 2007

**PROJECT NUMBER:** 2008-146

**BACKGROUND and DESCRIPTION:**

Preventing the possible terrorist use of radiological devices as weapons of mass destruction has been a top priority since September 11, 2001. Radiation detection equipment has been deployed both nationally and throughout Florida in an effort to detect and prevent the use of such devices. Much of this equipment also serves a dual purpose and is available for use by first responders in hazardous material response operations.



Concern, however, remains high that a nuclear weapon of mass destruction or more likely a “dirty bomb” capable of contaminating a wide area could be smuggled into the United States and detonated. Further, the effectiveness of current systems in detecting radiological devices in cargo containers and in other modes of conveyance throughout the nation’s supply chain has been called into question.

The U. S. Department of Homeland Security (DHS) is now pursuing development of the next generation of advanced spectroscopic portal (ASP) devices. These new devices are expected to be capable of not only detecting but also specifically identifying the detected nuclear material. False positive indications delivered by the current generation of radiological detection devices remain a continuing problem. The effectiveness in detecting shielded radiological material is an additional item of concern. In July 2006, DHS awarded contracts to further develop and purchase \$1.2 billion worth of ASP devices over 5 years.

**PROJECT OBJECTIVE(S):**

To review current radiation detection device capabilities as well as emerging technologies and assess the impact on seaport security, emergency preparedness, and disaster response.

**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 radiation detection activities. Workshops and meetings may be held to obtain and review information related to this project.

**INTERIM PROJECT TITLE:**

*Florida National Guard Equipment Readiness*

**DATE DUE:** October 1, 2007

**PROJECT NUMBER:** 2008-147

**BACKGROUND and DESCRIPTION:**

Florida’s National Guard plays a vital role in emergency preparedness and disaster recovery. In order to perform this mission, the Guard uses high mobility vehicles, communications equipment, rotary and fixed wing aviation assets, and a compliment of support equipment necessary to supply a military force while deployed. Overseas operations have depleted equipment inventories which are now in need of replenishment. Recent reports indicate that Florida Army Guard units have roughly half or less of their authorized levels of equipment.

Guard officials report that despite these shortages, they have contingency plans and mutual aid agreements in place to provide necessary equipment in case of emergency.

**PROJECT OBJECTIVE(S):**

To review the extent of Florida National Guard equipment shortages and assess the impact of these shortages on the Guard’s ability to perform its emergency preparedness and disaster response mission.

**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 Florida National Guard activities. Workshops and meetings may be held to obtain and review information related to this project.

## **Mandatory Reviews**

*(None)*

## **Monitor Projects**

**INTERIM MONITOR PROJECT TITLE:**

*School Security*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-375

**BACKGROUND and DESCRIPTION:**

Florida has recognized that terrorists may target schools in an effort to gain the widest possible impact in gaining publicity and causing societal disruption. In response, considerable planning and training resources have been devoted to preparing for such a contingency.

The recent tragedy at Virginia Tech University, while not a terrorist attack per se, highlights the need for adequate preparation to prevent if possible and respond properly to an attack at an educational facility.

**PROJECT OBJECTIVE(S):**

Monitor planning and operational activities of various state and local agencies to assure security measures are being taken and coordinated at all levels of government to prepare for possible attempts to attack and harm students attending Florida's schools both at the K through 12 and higher ed levels.

**METHODOLOGY:**

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

**INTERIM MONITOR PROJECT TITLE:**

***Federal Domestic Security Funding Process***

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-376

**BACKGROUND and DESCRIPTION:**

The Senate Military Affairs and Domestic Security Committee is responsible for monitoring federal funding and program guidelines for domestic security prevention, preparedness and response, and the integration of the Domestic Security Oversight Council, Regional Domestic Security Task Force, 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.

**PROJECT OBJECTIVE(S):**

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

**METHODOLOGY:**

Monitor federal legislation, congressional activities, and federal agency guidance relative to domestic security funding through working partnerships with the Florida Washington Office, FDLE, DCA, DOH, FSTED, and other state agencies. As needed, staff may collect data from and/or conduct interviews by phone, electronic mail, or in person with participants, affected parties, or others pertaining to this review. Workshops and meetings may be held to obtain and review information related to this project.

**INTERIM MONITOR PROJECT TITLE:**

***Domestic Security and Emergency Preparedness Programs***

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-377

**BACKGROUND and DESCRIPTION:**

The Senate Military Affairs and Domestic Security Committee is responsible for monitoring ongoing activities of the State Domestic Security Oversight Council, the Regional Domestic Security

Task Forces, the State Working Groups, and the Division of Emergency Management. These agencies provide the strategic planning and operational capabilities for domestic security and emergency management in Florida. It is the responsibility of these entities to ensure that Florida has and can implement a domestic security strategy that is capable of detecting, preventing, protecting from, responding to, and recovering from acts of terrorism as well as preparing for, responding to, and recovering from emergencies such as wildfires, hurricanes, and hazardous materials events.

**PROJECT OBJECTIVE(S):**

- Monitor planning and operational activities of various state and local agencies to assure security measures are being taken and coordinated at all levels of government to prepare for possible terrorist activities; 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:**

As needed, staff may collect data from and/or conduct interviews by phone, electronic mail, or in person with persons affected by or pertaining to this review. Workshops and meetings may be held to obtain and review information related to this project.

**INTERIM MONITOR PROJECT TITLE:**

*Transportation Worker Identification Card Program*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-378

**BACKGROUND and DESCRIPTION:**

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

Florida has served as a leading partner working with the federal government on the TWIC program. Florida currently has a working FUPAC model system but has delayed statewide implementation in an effort to ensure compatibility with the federal program still in development. Certain differences remain between state and federal disqualifying criteria including certain violent offenses such as aggravated assault, battery, stalking, and manslaughter at the state level as well as other crimes such as sedition, espionage, and violations of the Racketeer Influenced and Corrupt Organizations Act at the federal level. Other issues remain to be resolved such as federal waivers in issuing a TWIC card that may be incompatible with Florida Statutes. Further, the TWIC program does not recognize drug control as part of its mission. Florida's program was initially designed to address drug control and cargo theft, and was subsequently adapted to address acts of terrorism. These issues and others between state and federal jurisdictions await resolution.

**PROJECT OBJECTIVE(S):**

- Monitor the completion of the federal TWIC program and integration with Florida's FUPAC program;
- Provide oversight to ensure that TWIC is implemented in a cost effective manner that does not impede Florida's seaport security laws through federal rulemaking;
- Monitor the implementation of programs granting waivers to individuals in obtaining port access credentials; and
- Identify any federal government initiatives/changes relating to terrorism that may affect Florida Statutes relative to worker identification credentials.

**METHODOLOGY:**

Monitor federal legislation, congressional activities, and federal agency guidance relative to implementation of the TWIC program through the Department of Highway Safety and Motor Vehicles, the Department of Law Enforcement, the Florida Seaport Transportation and Economic Development Council, Florida's commercial ports, and other agencies. As needed, staff may collect data from and/or conduct interviews by phone, electronic mail, or in person with participants, affected parties, or others pertaining to this monitor project. Workshops and meetings may be held to obtain and review information related to the project.

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# REGULATED INDUSTRIES

## Interim Projects

**INTERIM PROJECT TITLE:**

*Alternative Dispute Resolution for Homeowners' Associations*

**DATE DUE:** October 1, 2007

**PROJECT NUMBER:** 2008-148

**BACKGROUND and DESCRIPTION:**

This study will address concerns raised by Senator Justice regarding the alternative dispute resolution procedures that are available to homeowners' associations. Alternative dispute resolution procedures help adverse parties resolve disputes through arbitration and mediation. According to Senator Justice there is a need to provide Floridians with an inexpensive, expedient, and simplified court procedure for deed-restricted communities to resolve disputes.

During the 2007 Regular Session, CS/CS/SB 902 by the Judiciary Committee, the Regulated Industries Committee, and Senator Jones was enacted to repeal the alternative dispute resolution program for homeowners' associations and their members administered by the Department of Business and Professional Regulation. Homeowners' association disputes will be mediated by private mediators subject to the notice and procedural requirements set forth in the bill.

During the 2007 Regular Session, CS/SB 1444 by the Judiciary Committee and Senator Justice created the one-year Court Advantage Pilot Program in Hillsborough and Pinellas counties for the mandatory arbitration of homeowners' association disputes. This pilot program would have been implemented and administered by the chief judges of the Sixth and Thirteenth Judicial Circuits in Pinellas and Hillsborough Counties, respectively. The staff analysis for the Judiciary Committee addressed several constitutional concerns with this bill. The bill was temporarily postponed by the Regulated Industries Committee with assurances by Chairman Jones that alternative dispute resolution for homeowners' associations would be presented to the President of the Senate for consideration as the subject of a proposed interim project.

**PROJECT OBJECTIVE(S):**

The project will discuss the alternative dispute resolution procedures for homeowners' associations. The project will review the issues and concerns faced by homeowner's association and their member when a dispute arises. The project will analyze the current laws regarding alternative dispute resolution, including the alternative dispute resolution procedures for homeowners' associations and condominium associations. The project will compare these programs with the alternative dispute programs established in the court system. It will also discuss the options for revising the existing alternative dispute resolution procedures. The project will address whether any legislative action is needed to revise the alternative dispute resolution procedures for homeowners' associations.

**METHODOLOGY:**

Staff will review the relevant statutory and regulatory provisions related to alternative dispute resolution. Staff will also review current alternative dispute resolution programs available to homeowners' associations and compare and contrast those procedures to the alternative dispute

resolution procedures that are available to condominium associations and their unit owners. Staff will also research the procedures used by other states and jurisdictions to resolve homeowner's association disputes. Staff will meet with the Department of Business and Professional Regulation to discuss the benefits and limitations of the alternative dispute resolution programs that it administers for homeowners' associations and condominium associations. Staff will also discuss these issues and concerns with the chief judges for two or more circuit courts and compare the existing departmental programs with the court programs. Staff will also discuss this project with Senator Justice and Representative Ambler, who introduced the House companion to CS/SB 1444 (CS/HB 923), in order to address their concerns with this issue. Staff may also receive input from representatives for homeowners' associations, their members, and other interested parties.

Because the subject matter of this study, committee staff will work closely with the staff of the Committee on Judiciary in order to utilize their expertise on this subject matter.

**INTERIM PROJECT TITLE:**

*Review of the Florida Construction Lien Law*

**DATE DUE:** November 1, 2007

**PROJECT NUMBER:** 2008-149

**BACKGROUND and DESCRIPTION:**

A construction lien is an equitable device, designed to protect those enhancing an owner's property who are not in direct privity with the owner, such as laborers and suppliers of material, who remain unpaid while the owner pays the contractor directly. Another purpose of construction liens is to protect owners by requiring subcontractors to provide notice of possible liens, thereby preventing double payments to contractors and subcontractors, material suppliers, or laborers for the same services or materials.

Construction lien statutes set forth a right of action that did not exist at common law, and thus construction liens are purely statutory. Florida's Construction Lien Law is found in ch.713, F.S. Homeowners are often confused by the statutory process and still can end up paying twice to contractors and subcontractors despite the statutory protections.

Chapter 713, F.S., has been amended several times over the years, most recently during the 2007 Regular Session. Many Senators have received complaints from constituents concerning the complexity and difficulty with the lien process under the current statutory scheme. Senators Dockery, Saunders, and Jones have all indicated their concerns with the current procedures.

**PROJECT OBJECTIVE(S):**

The objective of this project is to review the Florida lien law and provide recommendations for further protections for homeowners and review the process to identify any methods to simplify the procedures and notifications while protecting the rights of the lienors and the property owners.

**METHODOLOGY:**

Staff will review the Florida Statutes, rules, and relevant case law, treatises and articles concerning construction liens, including the legislative history of ch. 713, F.S. Staff will conduct interviews with

building department officials, construction industry representatives, representatives of The Florida Bar, consumer advocates, and the staff of the Department of Business and Professional Regulation.

**INTERIM PROJECT TITLE:**

***Review of Simulcast Wagering at Pari-mutuel Facilities***

**DATE DUE:** November 1, 2007

**PROJECT NUMBER:** 2008-150

**BACKGROUND and DESCRIPTION:**

The regulation of the pari-mutuel industry is governed by ch. 550, F.S. Regulation is administered by the Division of Pari-Mutuel Wagering (division) within the Department of Business and Professional Regulation (DBPR). The pari-mutuel industry consists of thoroughbred racing, harness racing, greyhound racing, jai alai, and cardrooms located at pari-mutuel facilities.

Wagering at pari-mutuel facilities may either be on races or games run live at the facility or through broadcasts of races or games conducted live at other facilities. An intertrack wager means a wager that is accepted at a permitted facility “on a race or game transmitted from and performed live at, or simulcast signal rebroadcast from, another in-state pari-mutuel facility.” Simulcasting is the “broadcasting [of] events occurring live at an in-state location to an out-of-state location, or receiving at an in-state location events occurring live at an out-of-state location,” Section 550.3551(5), F.S., provides that simulcasting may only be accepted from out-of-state pari-mutuel permit holders that hold the same class of pari-mutuel wagering permit, e.g., horseracing permit holders may only receive signals from other horseracing permit holders. However, simulcasting also includes the rebroadcast of the signal to in-state permit holder and certain other exceptions apply. Section 550.6305(9), F.S., provides that simulcast signals must be made available to all permit holders eligible to conduct intertrack wagering under the provisions of ss. 550.615-550.6345, F.S.

Broadcasts of horseraces both to and from this state must also comply with the provisions of the Interstate Horseracing Act of 1978 (IHA) provided in 15 U.S.C. ss 3001 et seq. The IHA requires that the permit holder receive the consent of the host racing association, host racing commission, and off-track racing commission as a prerequisite to acceptance of a wager.

Section 550.615, F.S., creates specific limitations on the exchange of intertrack signals. These limitations include mileage restrictions between pari-mutuel facilities, the number of permits within a particular geographic region, and the type of racing that is being conducted. These limitations have been the subject of numerous lawsuits.

In 2005, the First District Court of Appeal held in *State of Florida, Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering v. Gulfstream Park Racing Association, Inc.*, 912 So. 2d 616 (1<sup>st</sup> DCA 2005), that s. 550.615(6), F.S., which prohibits intertrack wagering between race tracks that are 25 miles apart is an unconstitutional special law. The DBPR appealed this decision to the Florida Supreme Court where it is currently pending. On October 16, 2006, the Court requested the parties to serve supplemental briefs addressing the possible operation of the non-severability clause found in s. 550.71, F.S. The non-severability clause provides that if any of the provisions of ch. 550 are held invalid, the remaining provisions of the act shall be deemed to be void and of no effect.



Senator Jones, Chair of the Senate Regulated Industries Committee, requested staff to review the regulation of simulcast and intertrack wagering in Florida during the 2007-2008 interim.

**PROJECT OBJECTIVE(S):**

The objective of this project is to review the simulcast provisions of ch. 550, F.S., and relevant case law, monitor the pending case in the Florida Supreme Court and provide recommendations regarding the regulation of simulcast and intertrack wagering in Florida.

**METHODOLOGY:**

Staff will review the Florida Statutes, federal law, rules and regulations and relevant case law regulating simulcast and intertrack wagering in Florida. Staff will review the briefs and other filings in the *Florida Department of Business and Professional Regulation v. Gulfstream Park Racing Association, Inc.* (Case No. SC05-2130) and will interview the parties and litigants in the pending litigation. Staff will also contact representatives from DBPR, the pari-mutuel industry, and other interested parties regarding the project.

**Mandatory Reviews**

*(None)*

**Monitor Projects**

*(None)*

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# TRANSPORTATION

## Interim Projects

**INTERIM PROJECT TITLE:**

*Enhancing Customer Services for Persons Seeking Drivers' Licenses and Identification Cards*

**DATE DUE:** October 15, 2007

**PROJECT NUMBER:** 2008-151

**BACKGROUND and DESCRIPTION:**

The Department of Highway Safety and Motor Vehicles (DHSMV) and its agents issue approximately 6.3 million drivers' licenses and identification cards each year and maintain records on more than 15 million licensed drivers. The demand for these services will continue to increase due to population growth and due to the implementation of the REAL ID Act of 2005.

**PROJECT OBJECTIVE(S):**

This project will review the operations and procedures of DHSMV to assess its current effectiveness and efficiency in providing customer service to those receiving drivers' licenses and identification cards. In addition, the project will identify the best customer service practices being used by similar agencies and entities.

**METHODOLOGY:**

Staff will review existing customer service initiatives and practices through research and interviews. Staff will also meet with DHSMV staff and various stakeholders to gather data and input information in order to develop recommendations for improvements to the Legislature.

## Mandatory Reviews

**INTERIM MANDATORY REVIEW TITLE:**

*Agency Sunset Review of the Department of Highway Safety and Motor Vehicles*

**DATE DUE:** January 31, 2008

**PROJECT NUMBER:** 2008-215

**BACKGROUND and DESCRIPTION:**

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 January 1, 2007, under prior law; July 1, 2006, under the modified law) 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, 2008, regarding the termination,

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

During the 2008 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 2006 with five agencies and the water management districts submitting information by January 1, 2007. These agencies include the Fish and Wildlife Conservation Commission, the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Department of Citrus, and Department of Highway Safety and Motor Vehicles.

The Senate Transportation Committee will be the primary sunset review committee for the review of the Department of Highway Safety and Motor Vehicles. The Senate Transportation and Economic Development Appropriations Committee will assist in this review.

**PROJECT OBJECTIVE(S):**

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.

## Monitor Projects

<b>INTERIM MONITOR PROJECT TITLE:</b> <i>Implementation of the REAL ID Act of 2005</i>
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**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-379

**BACKGROUND and DESCRIPTION:**

The REAL ID Act of 2005 (H.R. 1268, P.L. 109-13) was signed into law by President George W. Bush on May 11, 2005, and will impact driver licensing services in the state of Florida. The Act repealed provisions establishing a cooperative state-federal process to create federal standards for driver's licenses and instead directly imposes prescriptive federal driver's license standards upon the states. Proposed rules implementing the Act were issued March 1, 2007, with a comment period that

ended May 8, 2007. Rules are scheduled to be finalized later this year. Originally, the deadline for implementation was to be three years from the date of the bill's enactment, May 11, 2008; however implementation may be postponed until December 31, 2009, if the Governor requests. All Florida card holders will be required to have REAL ID compliant credentials by May 2013.

Specifically, the Act provides federal agencies will be prohibited from accepting for any official purpose a state-issued identification card or driver's license not meeting numerous minimum document requirements and issuance standards, including the verification of an individual's immigration status. The new provisions also require states to verify with the issuing agency the issuance, validity, and completeness of each document required. States will not be able to accept foreign documents (other than passports) to satisfy the minimum standards, including proof of identity, legal name, and date of birth. In addition, a state must provide electronic access to all other states to information contained in the motor vehicle database of the state.

The Department of Highway Safety and Motor Vehicles' (DHSMV) administers driver license-related activities, which are intended to increase consumer protection and promote public safety by licensing only those drivers who demonstrate the necessary knowledge, skills, and abilities to operate motor vehicles on Florida's roads; controlling and improving problem drivers by suspending and revoking the licenses of drivers who abuse their driving privileges; monitoring drivers to ensure they carry the required insurance to be financially responsible for their actions; and maintaining driver history records. According to DHSMV, there were 15,491,878 persons holding Florida drivers' licenses as of January 2007.

**PROJECT OBJECTIVE(S):**

The project will monitor DHMSV as they begin implementation of the REAL ID Act of 2005. In addition, staff will monitor to determine whether future legislation is required to modify state law to comply with the federal law.

**METHODOLOGY:**

Staff of the Transportation Committee and Military Affairs and Domestic Security Committee will research applicable federal and state laws regulating driver license and identification card standards. Staff will meet periodically with appropriate agency staff and monitor the progress of all related DHSMV meetings. Staff will identify the current laws to determine the need for any modifications to conform state law to federal requirements.

**INTERIM MONITOR PROJECT TITLE:**

*Strategic Aggregates Review Task Force*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-380

**BACKGROUND and DESCRIPTION:**

Construction aggregates provide one of the basic materials needed for concrete, asphalt, and road base. Housing and commercial construction account for about two-thirds of the aggregate used in Florida, with roads and other infrastructure consuming the remainder. The Florida Department of Transportation (FDOT) is the largest single user of construction aggregates in Florida, consuming about

10 percent of the supply. While aggregate materials are located in various natural deposits around the state, the most economically advantageous deposits are located in Miami-Dade County, in an area known as the Lake Belt which, due to a pending lawsuit, may be subject to at least temporary mine closures. FDOT estimates the long-term availability of indigenous aggregate, even without closure of the Lake Belt mines, is insufficient to maintain current consumption rates beyond a 5 to 10 year period. As a result, the 2007 Legislature created the Strategic Aggregates Review Task Force in HB 985 to evaluate the availability and disposition of construction aggregate materials and related mining and land use practices in Florida. The task force is directed to report its findings, including recommended actions to ensure the continued availability of aggregate materials, to the Governor and Legislature by February 1, 2008.

**PROJECT OBJECTIVE(S):**

Monitor the progress of the Strategic Aggregates Review Task Force.

**METHODOLOGY:**

Committee staff will attend meetings and conduct interviews to monitor the appointment of members to the task force, the administration of the task force, and the collection and review of information evaluated by the task force.

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# TRANSPORTATION AND ECONOMIC DEVELOPMENT APPROPRIATIONS

## Interim Projects

(None)

## Mandatory Reviews

<b>INTERIM MANDATORY REVIEW TITLE:</b>
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<i>Agency Sunset Review of the Department of Highway Safety and Motor Vehicles</i>
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**DATE DUE:** January 31, 2008

**PROJECT NUMBER:** 2008-216

**BACKGROUND and DESCRIPTION:**

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 January 1, 2007, under prior law; July 1, 2006, under the modified law) 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, 2008, regarding the termination, modification or continuation of the agency and its programs. The legislative sunset review committees will also propose necessary legislation.

During the 2008 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 2006 with five agencies and the water management districts submitting information by January 1, 2007. These agencies include the Fish and Wildlife Conservation Commission, the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Department of Citrus, and Department of Highway Safety and Motor Vehicles.

The Senate Transportation Committee will be the primary sunset review committee for the review of the Department of Highway Safety and Motor Vehicles. The Senate Transportation and Economic Development Appropriations Committee will assist in this review.

**PROJECT OBJECTIVE(S):**

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.

## Monitor Projects

**INTERIM MONITOR PROJECT TITLE:**

*Turnpike Bonding*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-381

**BACKGROUND and DESCRIPTION:**

House Bill 985, passed by the 2007 Legislature, addressed a variety of transportation issues, including an increase in the statutory bond cap for the turnpike system. The statutory cap will increase from \$4.5 billion of bonds issued to \$10 billion of bonds outstanding. It is anticipated that this change will enable the Turnpike Enterprise to immediately advance over \$900 million in projects. Since the bonds are backed by the revenues of the turnpike system, additional projects could be advanced, if and when the Turnpike Enterprise generates additional toll revenues.

**PROJECT OBJECTIVE(S):**

Staff will monitor the selected projects to be advanced in the Department of Transportation's Tentative Work Program and the overall impact to the Turnpike Enterprise of increasing the statutory bond cap.

**METHODOLOGY:**

Staff will meet periodically with staff from the Governor's Office of Policy and Budget, the Department of Transportation, the Turnpike Enterprise, and the Senate Committee on Transportation.

**INTERIM MONITOR PROJECT TITLE:**

*Family Readiness Program in the Department of Military Affairs*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-382

**BACKGROUND and DESCRIPTION:**

The Family Readiness Program in the Department of Military Affairs (DMA) was created in Fiscal Year 2005-2006 and funds were appropriated in section 2 of chapter 2005-51, Laws of Florida. Funding for the program was reappropriated in the General Appropriations Act for Fiscal Year 2006-2007 and again in Fiscal Year 2007-2008. The agency is authorized to use the unexpended balance of funds for its original purpose, and to contract to provide need-based assistance to family members eligible under section 250.5206, Florida Statutes.

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

Senate Bill 1448 was passed during the 2007 Regular Session, which amends section 250.5206, F.S., to extend the period of eligibility for 120 days following the termination of the service member's military orders for qualifying service and return to home of record. The legislation also changes the audit requirements; directing the inspector general of the department to conduct a semiannual review and an annual audit of the program.

**PROJECT OBJECTIVE(S):**

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

**METHODOLOGY:**

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

**INTERIM MONITOR PROJECT TITLE:**

*Early Learning Information System*

**DATE DUE:** N/A

**PROJECT NUMBER:** 2008-383

**BACKGROUND and DESCRIPTION:**

The Voluntary Pre-Kindergarten Program was established during the 2005-2006 fiscal year and is administered by the Agency for Workforce Innovation (AWI). Appropriations totaling \$5.9 million for the 2005-2006 fiscal year were provided in Section 42 of chapter 2005-70, Laws of Florida to AWI for two phases of the Early Learning Information System (ELIS) project: development of functional



requirements, and system development and implementation. Funding for the ELIS project was reappropriated in the General Appropriations Act for Fiscal Year 2006-2007 and in Fiscal Year 2007-2008.

Monthly status report meetings (during the life of the project) conducted at the request of the Technology Review Workgroup (TRW) have revealed numerous unexpected technical and management issues that have delayed the project. During the 2006-2007 fiscal year, the agency struggled to effectively plan and move ahead in the project schedule, due to management changes and procurement issues. On January 12, 2007 the requirements vendor was terminated. As of May 15, 2007, a new contract has been awarded for the requirements phase of the project. A Request For Information (RFI) is planned to be issued by January, 2008 for the system development and implementation phase.

Continued monitoring by both legislative and executive staff is recommended. There remains concern that significant risks exist that could jeopardize successful execution of this project.

**PROJECT OBJECTIVE(S):**

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

**METHODOLOGY:**

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