

THE FLORIDA SENATE



Interim Work Plan 2003 Session

John M. McKay
President

Ginny Brown-Waite
President Pro Tempore

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Agriculture and Consumer Services

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Review the Coordination of State and Federal Authorities who Perform Inspections at Florida's Seaports and Airports With Agricultural Inspectors in an Effort to Maximize Exclusion of Agricultural Pests and Diseases

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-101

BACKGROUND and DESCRIPTION:

In the aftermath of 9-11, Florida has instituted increased security measures at seaports and airports to combat all types of terrorism. As a separate matter, it is also essential for the state to protect our agricultural resources from being devastated by agricultural pests and diseases that are transported to seaports and airports. Since the state has instituted increased security measures and hired additional inspectors to combat terrorism, it is important to maximize their effectiveness by coordinating their efforts with the inspectors of agricultural protection agencies to help in detecting and excluding agricultural pests and diseases before they have a chance to enter the state.

PROJECT OBJECTIVE(S):

Examine recent enhancements to seaport and airport inspection processes. Determine how to maximize the effectiveness of inspectors by coordinating their efforts with the inspectors of agricultural protection agencies to help in detecting and excluding agricultural pests and diseases before they enter the state.

METHODOLOGY:

Staff will monitor reports and identify recent security actions taken by federal and state agencies at seaports and airports. Staff will work with the Department of Agriculture and Consumer Services to determine ways to coordinate these efforts with agricultural protection agencies to maximize the security of seaports and airports against agricultural pests and diseases.

MANDATORY REVIEWS

INTERIM MANDATORY REVIEW TITLE:

Open Government Sunset Review of the Public Records Exemption for any Information Contained in a Rabies Vaccination Certificate Provided to an Animal Control Authority Which Identifies the Owner of the Animal Vaccinated (s. 828.30(5), F.S.)

DATE DUE: December 1, 2002

PROJECT NUMBER: 2003-201

BACKGROUND and DESCRIPTION:

Ch. 98-213, Section 1, enacted an exemption from public records requirements for information contained in a rabies vaccination certificate while authorizing disclosure to certain public agencies and to other persons under certain conditions. The section provides that it is subject to the Open Government Sunset Review Act of 1995 and shall stand repealed on October 2, 2003, unless reviewed and saved from repeal through reenactment by the Legislature.

PROJECT OBJECTIVE(S):

This project would review the public records exemption for information contained in a rabies vaccination certificate provided to an animal control authority which would identify the owner of an animal vaccinated, as provided in s. 828.30(5), F.S., under the criteria specified in s. 119.15, F.S., and recommend for reenactment, repeal, or revision.

METHODOLOGY:

Staff will analyze the type of information that is filed by an animal control authority which would identify the owner of an animal given a rabies vaccination, as well as other information that is filed by an animal control authority that is not confidential or exempt from public records requirements. Legislative history of the 1998 law will be reviewed.

Interviews and discussions will be held with animal control authority representatives, licensed veterinarian representatives, the First Amendment Foundation, and other persons, who will be asked whether the exemption is justified under the criteria specified in s. 119.15, F.S.

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Monitor Compensation to Those Losing Trees as a Result of the Citrus Canker Eradication Program

DATE DUE: N/A

PROJECT NUMBER: 2003-301

BACKGROUND and DESCRIPTION:

The Department of Agriculture and Consumer Services (Department) was provided funds for compensation to those losing trees under the Citrus Canker Eradication Program in the 2002-03 Fiscal Year budget.

PROJECT OBJECTIVE(S):

Monitor compensation to those who have lost, or will yet lose citrus trees under the Department's Citrus Canker Eradication Program.

METHODOLOGY:

Staff will monitor the actions taken by the Department to compensate those losing trees under the Citrus Canker Eradication Program.

INTERIM MONITOR PROJECT TITLE:

Monitor Elimination of the Citrus Equalization Tax Exemption for Citrus Products Produced From Citrus Fruit Grown Outside of Florida, but Within the United States

DATE DUE: N/A

PROJECT NUMBER: 2003-302

BACKGROUND and DESCRIPTION:

Since 1935, the Florida Department of Citrus (Department) has collected a “box” tax from Florida citrus growers to advertise and market generic citrus products. The Department has also collected an “equalization” tax since 1970, on foreign citrus products (such as from Brazil) which are imported into the State for the same purpose. Domestic citrus products (such as from California, Texas or Arizona) have had an exemption from the equalization tax. The 2002 Legislature eliminated the exemption from the equalization tax on domestic citrus products brought into the State.

PROJECT OBJECTIVE(S):

Monitor the actions taken by the Department to implement this statutory change and related issues.

METHODOLOGY:

Staff will monitor reports and actions by the Department regarding implementation of this statutory change.

INTERIM MONITOR PROJECT TITLE:

Monitor Eradication of Citrus Canker by the Department of Agriculture and Consumer Services

DATE DUE: N/A

PROJECT NUMBER: 2003-303

BACKGROUND and DESCRIPTION:

The Department of Agriculture and Consumer Services (Department) has conducted a program to eradicate citrus canker from the state since 1995. Under the program the Department has removed citrus trees that are within 1900 feet of an infected tree. Lawsuits by some local governments and individuals have significantly hampered the Department’s efforts by stopping the cutting of trees which are exposed to the disease, but not infected.

The 2002 Legislature passed into law a provision clarifying the authority of the Department to remove citrus trees that are within 1900 feet of an infected tree. The new law also provides for search warrants to be issued in an area in size to include a county. Before a search warrant is issued, a judge may hold a hearing to receive information from those opposing the search warrant.

PROJECT OBJECTIVE(S):

Monitor the program of the Department to eradicate citrus canker under the newly enacted statutory provisions.

METHODOLOGY:

Staff will monitor reports and actions taken by the Department under the citrus canker eradication program.

INTERIM MONITOR PROJECT TITLE:

Monitor Implementation of the Misbranded Food Products Legislation by the Department of Agriculture and Consumer Services (Department)

DATE DUE: N/A

PROJECT NUMBER: 2003-304

BACKGROUND and DESCRIPTION:

The Department of Agriculture and Consumer Services' (Department) food and residue laboratories test products to determine if nutritional claims on food labels are accurate. When it has been determined that a violation has occurred, the Department has had permissive authority to take several sanction actions. CS/HB 1681 requires the Department to take specific actions when it has been determined that a food offered for sale has repeatedly been in violation of the Food Safety Act.

PROJECT OBJECTIVE(S):

Monitor implementation by the Department of the new mandatory sanctions required for misbranded food violations.

METHODOLOGY:

Staff will monitor reports and actions taken by the Department regarding sanctions taken under the provisions of this bill.

Appropriations

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Zero-Based Budgeting (ZBB) Review - Department of Children and Family Services

DATE DUE: January 3, 2003

PROJECT NUMBER: 2003-102

BACKGROUND and DESCRIPTION:

The proposed ZBB review of the Department of Children and Family Services for FY 2002-03 will entail a comprehensive review and examination of the remaining programs within the department's authority that were not reviewed in FY 2001-02. The Department of Children and Family Services provides a variety of social and support services to ensure the safety, well-being and self-sufficiency of Floridians. Services are provided in five major program areas including Family Safety and Preservation, Mental Health, Substance Abuse, Persons with Disabilities, and Economic Self-Sufficiency. Executive Leadership and Support Services are the two administrative programs utilized to manage departmental operations. The programs that will be subject to ZBB review in FY 2002-03 are Executive Leadership and Support Services, which are administrative programs; and Family Safety and Preservation, and Economic Self Sufficiency, which are service programs. The service programs increase opportunities for family self-sufficiency and protect children from abuse and neglect.

PROJECT OBJECTIVE(S):

The ZBB review, required by section 216.1825, Florida Statutes is an extensive, comprehensive analysis of agency programs, services and activities performed by legislative staff under the direction of designated members of the Legislative Budget Commission. Agency support and cooperation are essential in order to produce a meaningful product which includes an exhaustive compilation of program and service information. The objective of this zero-based budget review is to provide an inventory of agency programs, services and activities; including cost, performance, and customer information to support the Legislative Budget Commission in making recommendations relative to the following questions:

- Should government continue providing a service and its associated activities at the current level of funding and performance?
- If the service or activity is recommended for continuation, can it be provided more efficiently and effectively?
- Should the activity be reengineered? Should the service or activity be outsourced or privatized if quality is improved or costs decreased?

METHODOLOGY:

Experience from the prior year showed this effort to be extremely labor intensive for both agencies and legislative staff. As was done last year, this project will be conducted jointly with staff of the House of Representatives and with staff of both House and Senate substantive committees having jurisdiction for those agencies. Process and analysis methodologies will be developed jointly with other substantive committees and appropriations subcommittees of both the House and the Senate, with review and approval of the Legislative Budget Commission.

The proposed methodology to complete this project will include:

- Interviews with key agency staff;
- A review of agency organizational charts by budget entity;
- Identification of programs, activities, and services as well as a review of the basis upon which the agency provides these services;
- A review of agency long-range program plans;
- The identification of cost-drivers and program performance data accomplished through a detailed review of agency expenditure data, and;
- A review of agency business practices, process maps, etc.

INTERIM PROJECT TITLE:

Zero-Based Budgeting (ZBB) Review - Department of Environmental Protection

DATE DUE: January 3, 2003

PROJECT NUMBER: 2003-103

BACKGROUND and DESCRIPTION:

The Legislative Budget Commission schedule for Zero Based Budgeting (ZBB) provides for the Department of Environmental Protection (DEP) to undergo ZBB review during the 2002-2003 interim. The Department of Environmental Protection (DEP) is the state's principal environmental and natural resources agency. The department is comprised of seven programs – Executive Direction and Administrative Services, State Lands, Water Resources Management, Waste Management, Recreation and Parks, Air Resources Management and Law Enforcement.

PROJECT OBJECTIVE(S):

The ZBB review, required by section 216.1825, Florida Statutes is an extensive, comprehensive analysis of agency programs, services and activities performed by legislative staff under the direction of designated members of the Legislative Budget Commission. Agency support and cooperation are essential in order to produce a meaningful product which includes an exhaustive compilation of program and service information.

The objective of this zero-based budget review is to provide an inventory of agency programs, services and activities; including cost, performance, and customer information to support the Legislative Budget Commission in making recommendations relative to the following questions:

- Should government continue providing a service and its associated activities at the current level of funding and performance?
- If the service or activity is recommended for continuation, can it be provided more efficiently and effectively?
- Should the activity be reengineered? Should the service or activity be outsourced or privatized if quality is improved or costs decreased?

METHODOLOGY:

Experience from the prior year showed this effort to be extremely labor intensive for both agencies and legislative staff. As was done last year, this project will be conducted jointly with staff of the House of Representatives and with staff of both House and Senate substantive committees having jurisdiction for those agencies. Process and analysis methodologies will be developed jointly with other substantive

committees and appropriations subcommittees of both the House and the Senate, with review and approval of the Legislative Budget Commission.

The proposed methodology to complete this project will include:

- Interviews with key agency staff;
- A review of agency organizational charts by budget entity;
- Identification of programs, activities, and services as well as a review of the basis upon which the agency provides these services;
- A review of agency long-range program plans;
- The identification of cost-drivers and program performance data accomplished through a detailed review of agency expenditure data, and;
- A review of agency business practices, process maps, etc.

INTERIM PROJECT TITLE:

Zero-Based Budgeting (ZBB) Review - Department of Highway Safety and Motor Vehicles

DATE DUE: January 3, 2003

PROJECT NUMBER: 2003-104

BACKGROUND and DESCRIPTION:

The Legislative Budget Commission schedule for Zero Based Budgeting (ZBB) provides for the Department of Highway Safety and Motor Vehicles to undergo ZBB review during the 2002-2003 interim. The department is comprised of four programs – Florida Highway Patrol; Licenses, Titles and Regulations; Kirkman Data Center; and Executive Direction and Administrative Services. The agency's mission is to promote a safe driving environment through licensing, titling, and regulation of vehicles, vessels and their operators.

PROJECT OBJECTIVE(S):

The ZBB review, required by section 216.1825, Florida Statutes is an extensive, comprehensive analysis of agency programs, services and activities performed by legislative staff under the direction of designated members of the Legislative Budget Commission. Agency support and cooperation are essential in order to produce a meaningful product which includes an exhaustive compilation of program and service information.

The objective of this zero-based budget review is to provide an inventory of agency programs, services and activities; including cost, performance, and customer information to support the Legislative Budget Commission in making recommendations relative to the following questions:

- Should government continue providing a service and its associated activities at the current level of funding and performance?
- If the service or activity is recommended for continuation, can it be provided more efficiently and effectively?
- Should the activity be reengineered? Should the service or activity be outsourced or privatized if quality is improved or costs decreased?

METHODOLOGY:

Experience from the prior year showed this effort to be extremely labor intensive for both agencies and legislative staff. As was done last year, this project will be conducted jointly with staff of the House

of Representatives and with staff of both House and Senate substantive committees having jurisdiction for those agencies. Process and analysis methodologies will be developed jointly with other substantive committees and appropriations subcommittees of both the House and the Senate, with review and approval of the Legislative Budget Commission.

The proposed methodology to complete this project will include:

- Interviews with key agency staff;
 - A review of agency organizational charts by budget entity;
 - Identification of programs, activities, and services as well as a review of the basis upon which the agency provides these services;
 - A review of agency long-range program plans;
 - The identification of cost-drivers and program performance data accomplished through a detailed review of agency expenditure data, and;
- A review of agency business practices, process maps, etc.

INTERIM PROJECT TITLE:

Zero-Based Budgeting (ZBB) Review - Department of Lottery

DATE DUE: January 3, 2003

PROJECT NUMBER: 2003-105

BACKGROUND and DESCRIPTION:

The Legislative Budget Commission schedule for Zero Based Budgeting (ZBB) provides for the Department of Lottery to undergo ZBB review during the 2002-2003 interim. In 1986, Florida voters approved a constitutional amendment authorizing the state to operate a lottery. In 1987, the Legislature created the Florida Lottery to generate significant additional moneys for education by enabling the people of the state to play the best lottery games possible. The Department of Lottery is comprised of one program – Lottery Operations. The purpose of the program is to maximize revenues for public education in a manner consistent with the dignity of the state and the welfare of its citizens.

PROJECT OBJECTIVE(S):

The ZBB review, required by section 216.1825, Florida Statutes is an extensive, comprehensive analysis of agency programs, services and activities performed by legislative staff under the direction of designated members of the Legislative Budget Commission. Agency support and cooperation are essential in order to produce a meaningful product which includes an exhaustive compilation of program and service information.

The objective of this zero-based budget review is to provide an inventory of agency programs, services and activities; including cost, performance, and customer information to support the Legislative Budget Commission in making recommendations relative to the following questions:

- Should government continue providing a service and its associated activities at the current level of funding and performance?
- If the service or activity is recommended for continuation, can it be provided more efficiently and effectively?
- Should the activity be reengineered? Should the service or activity be outsourced or privatized if quality is improved or costs decreased?

METHODOLOGY:

Experience from the prior year showed this effort to be extremely labor intensive for both agencies and legislative staff. As was done last year, this project will be conducted jointly with staff of the House of Representatives and with staff of both House and Senate substantive committees having jurisdiction for those agencies. Process and analysis methodologies will be developed jointly with other substantive committees and appropriations subcommittees of both the House and the Senate, with review and approval of the Legislative Budget Commission.

The proposed methodology to complete this project will include:

- Interviews with key agency staff;
 - A review of agency organizational charts by budget entity;
 - Identification of programs, activities, and services as well as a review of the basis upon which the agency provides these services;
 - A review of agency long-range program plans;
 - The identification of cost-drivers and program performance data accomplished through a detailed review of agency expenditure data, and;
- A review of agency business practices, process maps, etc.

INTERIM PROJECT TITLE:

Zero-Based Budgeting (ZBB) Review - Department of State

DATE DUE: January 3, 2003

PROJECT NUMBER: 2003-106

BACKGROUND and DESCRIPTION:

The Legislative Budget Commission schedule for Zero Based Budgeting (ZBB) provides for the Department of State to undergo ZBB review during the 2002-2003 interim. The department is currently comprised of seven programs – Office of the Secretary and Administrative Services, Corporations, Cultural Affairs, Elections, Historical Resources, Licensing (2002 Legislature transfers program to Department of Agriculture and Consumer Services) and Library Services. The agency’s mission is to promote public safety and improve the quality of life in Florida.

PROJECT OBJECTIVE(S):

The ZBB review, required by section 216.1825, Florida Statutes is an extensive, comprehensive analysis of agency programs, services and activities performed by legislative staff under the direction of designated members of the Legislative Budget Commission. Agency support and cooperation are essential in order to produce a meaningful product which includes an exhaustive compilation of program and service information.

The objective of this zero-based budget review is to provide an inventory of agency programs, services and activities; including cost, performance, and customer information to support the Legislative Budget Commission in making recommendations relative to the following questions:

- Should government continue providing a service and its associated activities at the current level of funding and performance?
- If the service or activity is recommended for continuation, can it be provided more efficiently and effectively?

- Should the activity be reengineered? Should the service or activity be outsourced or privatized if quality is improved or costs decreased?

METHODOLOGY:

Experience from the prior year showed this effort to be extremely labor intensive for both agencies and legislative staff. As was done last year, this project will be conducted jointly with staff of the House of Representatives and with staff of both House and Senate substantive committees having jurisdiction for those agencies. Process and analysis methodologies will be developed jointly with other substantive committees and appropriations subcommittees of both the House and the Senate, with review and approval of the Legislative Budget Commission.

The proposed methodology to complete this project will include:

- Interviews with key agency staff;
 - A review of agency organizational charts by budget entity;
 - Identification of programs, activities, and services as well as a review of the basis upon which the agency provides these services;
 - A review of agency long-range program plans;
 - The identification of cost-drivers and program performance data accomplished through a detailed review of agency expenditure data, and;
- A review of agency business practices, process maps, etc.

INTERIM PROJECT TITLE:

Zero-Based Budgeting (ZBB) Review—State Attorneys and Public Defenders, Circuits 1 through 20

DATE DUE: January 3, 2003

PROJECT NUMBER: 2003-107

BACKGROUND and DESCRIPTION:

For calendar year 2002, the Legislative Budget Commission has approved a Zero-Based Budgeting (ZBB) review schedule that includes the following agencies for the Senate Appropriations Subcommittee on Public Safety & Judiciary:

- State Attorneys, Circuits 1-20
- Public Defenders, Circuits 1-20

Because the Offices of the State Attorneys and Public Defenders perform a critical role within the State Courts System, the ZBB review of their operations will be very helpful as the Legislature moves toward implementation of Revision Seven to Article V of Florida's Constitution which directs the state to fund a greater share of the costs associated with State Courts System operations.

PROJECT OBJECTIVE(S):

The ZBB review, required by section 216.1825, Florida Statutes, is an extensive comprehensive analysis of agency programs, services and activities and is conducted by legislative staff under the direction of designated members of the Legislative Budget Commission. Agency support and cooperation are essential in order to produce a meaningful product, which includes an exhaustive compilation of program and service information.

The objective of this zero-based budgeting review is to provide an inventory of agency programs, services and activities, including cost, performance, and customer information, to support the Legislative Budget Commission in making recommendations relative to the following questions:

- Should government continue providing a service and its associated activities at the current level of funding and performance?
- If the service or activity is recommended for continuation, can it be provided more efficiently and effectively?
- Should the activity be reengineered? Should the service or activity be outsourced or privatized if quality is improved or costs decreased?

METHODOLOGY:

Experience from the prior year showed this effort to be extremely labor intensive for both agencies and legislative staff. As was done last year, this project will be conducted jointly with staff of the House of Representatives and with staff of both House and Senate substantive committees having jurisdiction for those agencies. Process and analysis methodologies will be developed jointly with other substantive committees and appropriations subcommittees of both the House and the Senate, with review and approval by the Legislative Budget Commission.

The proposed methodology to complete this project will include:

- Interviews with key agency staff;
- A review of agency organizational charts by budget entity;
- Identification of programs, activities, and services as well as a review of the basis upon which the agency provides these services;
- A review of agency long-range program plans;
- The identification of cost-drivers and program performance data accomplished through a detailed review of agency expenditure data, and;
- A review of agency business practices, process maps, etc.

INTERIM PROJECT TITLE:

State Courts System—Implementing Revision Seven to Article V of the Florida Constitution

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-108

BACKGROUND and DESCRIPTION:

Revision Seven to Article V of the Florida Constitution requires the state to assume a greater role in funding the state courts system with full implementation by July 1, 2004. Presently, the State Courts System is funded by both state and local (county) governments. Article V, Section 14 of the Florida Constitution identifies the new funding responsibilities for both state and county governments resulting from Revision Seven.

During the past two years, several efforts have been undertaken in preparation for implementation of Revision Seven. These efforts have included:

- Establishment of the Task Force on State Courts System Funding/Article V: The task force, lead by Senator John Laurent, Chairman, and Representative Johnnie Byrd, Jr., Vice Chairman, developed legislation (CS/SB 1212) which passed during the 2000 Regular Session of the

Legislature. CS/SB 1212 expressed the Legislature's intent to provide state funding for "essential elements" of the State Courts System, the State Attorneys' and Public Defenders' offices and court-appointed counsel. The bill provided definitions for the essential elements and also defined the items the counties are required to provide.

- Creation of the Article V Financial Accountability and Efficiency Workgroup: While in existence, the workgroup was charged with several tasks including instructions to develop preliminary recommendations for financial accountability systems and standards for use during and after the transition from local to state funding of the State Courts System. The workgroup was also tasked with obtaining data on all fees, costs, service charges, fines, forfeitures, or other court-related revenue; evaluating the data; making selected audits of such data; and developing a report for the Joint Legislative Committee on Article V regarding the accuracy of such data.
- Establishment of the Joint Legislative Committee on Article V: This committee includes both Senate and House appointees and shall provide the necessary direction and support to the President of the Senate and to the Speaker of the House of Representatives concerning final implementation of Revision Seven to Article V of the Florida Constitution.

PROJECT OBJECTIVE(S):

To provide staff assistance and support in the areas of budget and financial analysis to the Joint Legislative Committee on Article V in preparation for implementation of Revision Seven to Article V of the Florida Constitution.

METHODOLOGY:

Staff will provide support for numerous activities directed by the Joint Legislative Committee on Article V. These activities will entail:

- Interviews with key staff of the State Courts System;
- Site visits to collect information and observe the operations of various court divisions;
- Budget and financial analysis of court programs, services, and activities;
- Program performance reviews;
- Analysis of court staffing, management, and organizational structures and;
- Continued review of data related to the collection of fines, fees, and other court revenues.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Human Resources (HR) Outsourcing

DATE DUE: N/A

PROJECT NUMBER: 2003-305

BACKGROUND and DESCRIPTION:

The General Appropriations Act for fiscal year 2002-2003 includes appropriations in 32 state agencies to fund a single statewide contract with a private vendor to assume many of the personnel

functions currently performed by state agency employees. These appropriations to fund the contract will be offset by corresponding phased reductions of 859 agency staff and funds. The Department of Management Services (DMS) will administer and manage the contract with a private vendor. Funds appropriated to pay for partial year phase-in of the contract total \$30 million, and the annual cost of the contract in subsequent years is projected to be \$40 million. Implementation phase-in of the contract is scheduled for the first six months of the fiscal year. During the first three months, DMS will operate the state's current personnel computer system in tandem with the system developed by the private vendor to ensure a smooth and accurate transition to the private system. On October 1, 2002, the contractor will assume full responsibility for the general HR functions (payroll preparation, time & attendance, workers' comp administration, classification, awards, etc.) and the recruitment & selection & evaluation functions. On January 1, 2003, the contractor will assume the benefits functions as well. DMS is responsible for negotiating contractual terms that provide sufficient safeguards and contingency plans for the state in the event of contractor defaults.

PROJECT OBJECTIVE(S):

The objective of this project is to monitor the phased implementation of the statewide contract to enable legislative staff to keep abreast of the project, provide timely analysis as required, and identify any developments or issues that may require the attention of the legislature.

METHODOLOGY:

Staff of the Senate Committee on Appropriations, in conjunction with staff of the Senate Committee on Governmental Oversight and Productivity, will attend pertinent meetings between DMS and other agencies, make contact with DMS staff periodically to obtain status reports, and review the final contract negotiated by DMS along with other relevant supporting documents.

INTERIM MONITOR PROJECT TITLE:

Privatization of State Services

DATE DUE: N/A

PROJECT NUMBER: 2003-306

BACKGROUND and DESCRIPTION:

In recent years, the state has privatized a number of public services that were formerly performed by state agencies. Privatization is also being planned for services such as state personnel administration. Experience has shown that privatization can produce cost savings and service improvements for Florida's citizens, but only if the process is managed well.

By letter dated June 4, 2002, Senator Lisa Carlton, as chair of the Senate Appropriations Committee requested that the Office of Program Policy Analysis and Government Accountability (OPPAGA) examine the state's practices in privatizing public services. The review is to:

- Identify factors that should be considered when privatization is being proposed;
- Identify "best practices" that should be followed when services are privatized, including such factors as cost analysis, contract management, and performance accountability; and
- Examine the state's results from privatization to determine whether these "best practices" were used in such areas as social services and transportation, as well as in the proposal to privatize state personnel administration.

PROJECT OBJECTIVE(S):

The objective of this project is to monitor the review conducted by OPPAGA and identify information and conclusions relevant to appropriations issues.

METHODOLOGY:

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

Banking and Insurance

INTERIM PROJECTS

INTERIM PROJECT TITLE:

The Office of the Chief Financial Officer and the Transfer of the Department of Insurance and the Department of Banking and Finance to the Department of Financial Services

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-109

BACKGROUND and DESCRIPTION:

Legislation was passed in Special Session E (HB 3-E) in response to the Constitutional Amendment approved by the voters in November 1998 which merges two Cabinet positions, the Comptroller and the Treasurer, into one Chief Financial Officer cabinet position, effective January 7, 2003. The bill creates a Department of Financial Services headed by the Chief Financial Officer, which has certain insurance-related and other responsibilities. The bill also creates the Financial Services Commission as an independent agency housed within the department, consisting of the Governor and Cabinet, and creates two "Offices" under the commission: the Office of Insurance Regulation and the Office of Financial Institutions and Securities Regulation. However, the bill does not make conforming changes throughout the Florida Statutes. The bill establishes a Transition Committee to oversee the transition and make recommendations, consisting of appointees of the Comptroller, Treasurer, Governor, and House and Senate fiscal chairs. Relevant substantive committees of the Senate and the House of Representatives are required to prepare draft legislation to conform the Florida Statutes to the policy decisions reflected in the bill, prior to the 2003 Regular Session or an earlier special session addressing this issue (given the January 7, 2003, effective date of the key provisions of HB-3E).

PROJECT OBJECTIVE(S):

To monitor and report on the meetings of the Transition Committee established by HB 3-E and to prepare draft legislation to conform to the policy decisions reflected in the bill. Committee staff will prepare draft legislation and note areas where policy decisions of HB-3E may be unclear, by November 1, 2002. If necessary, revised draft legislation would be prepared by February 1, or such date that coordinates with written report(s) of the Transition Committee.

METHODOLOGY:

Staff will review the enacted legislation, interview representatives of the affected agencies and other affected parties, and monitor the meetings of the Transition Committee and each agency's transition plans.

MANDATORY REVIEWS

INTERIM MANDATORY REVIEW TITLE:

Open Government Sunset Review of the Public Records Exemption for Specified Records of the Florida Automobile Joint Underwriting Association (s. 627.311(3)(i), F.S.)

DATE DUE: December 1, 2002

PROJECT NUMBER: 2003-202

BACKGROUND and DESCRIPTION:

In 1998, the Legislature enacted ch. 98-315, L.O.F., which provided an exemption from the public records requirements for the following records of the Florida Automobile Joint Underwriting Association (Auto JUA): underwriting files, open claim files, audit records, specified privileged attorney-client communications, licensed proprietary information, certain employee medical records, negotiation information, and minutes of closed meetings regarding underwriting and claims files. On October 2, 2003, the public records exemption will be repealed unless reviewed and saved from repeal through reenactment by the Legislature.

PROJECT OBJECTIVE(S):

This project will involve a review of the specified exempt public records and examine them pursuant to the criteria and standards established in the Open Government Sunset Review Act (ch. 119, F.S.) to determine whether such an exemption should be recommended for reenactment by the Legislature.

METHODOLOGY:

Staff will obtain information from the Auto JUA and related documents from the Department of Insurance, as supplemented by information obtained from insurance carriers and other interested stakeholders.

INTERIM MANDATORY REVIEW TITLE:

Open Government Sunset Review of the Public Records Exemption for Notices of Injury or Death Received by the Division of Workers' Compensation (s. 440.185(11), F.S.)

DATE DUE: December 1, 2002

PROJECT NUMBER: 2003-203

BACKGROUND and DESCRIPTION:

Ch. 98-407, L.O.F., enacted the public records exemption for notice of injury or death (First Report of Injury or Illness) submitted by an employer/carrier to the Division of Workers' Compensation. Section 440.185, F.S., generally requires an employer to report an industrial injury or disease to the employer's insurance carrier by submitting a First Report of Injury or Illness form to the carrier within seven days after the employer's knowledge of the industrial injury or illness. Subsequently, the carrier is required to submit the First Report to the Division of Workers' Compensation of the Department of Labor and Employment and Security within three business days. Effective July 1, 2002, the Division of Workers' Compensation will be transferred to the Department of Insurance. The public records exemption provides that any information contained in a report made pursuant to s. 440.185, F.S., that would identify an ill or injured worker is confidential and exempt from the provisions of s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution.

PROJECT OBJECTIVE(S):

This project would review the public records exemption for certain information contained in the First Report of Injury or Illness, as provided in s. 440.185, F.S., under the criteria specified in s. 119.15, F.S., and recommend reenactment, repeal, or revision.

METHODOLOGY:

Staff will evaluate the type of information that is generally held or received by the Division of Workers' Compensation relating to First Report of Injury or Illness. Legislative history of the 1998 law will be reviewed. Interviews will be held with department staff, insurance industry representatives, employer representatives, the First Amendment Foundation, and other persons, who will be asked whether the exemption is justified under the criteria specified in s. 119.15, F.S. Other state laws will be reviewed for comparative purposes.

INTERIM MANDATORY REVIEW TITLE:

Open Government Sunset Review of the Public Records Exemption for Investigatory Records Relating to Workers' Compensation Employer Compliance (s. 440.108, F.S.)

DATE DUE: December 1, 2002

PROJECT NUMBER: 2003-204

BACKGROUND and DESCRIPTION:

Ch. 98-407, L.O.F., enacted the public records exemption for investigatory records relating to workers' compensation employer compliance. Section 440.107, F.S., authorizes the Division of Workers' Compensation of the Department of Labor and Employment Security to enforce employer compliance with workers' compensation coverage requirements. Effective July 1, 2002, the Division of Workers' Compensation will be transferred to the Department of Insurance. The public records exemption provides that all investigatory records of the Division of Workers' Compensation made or received pursuant to s. 440.107, F.S., and any records necessary to complete an investigation are confidential and exempt from the provisions of s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution until the investigation is completed or ceases to be active.

PROJECT OBJECTIVE(S):

This project would review the public records exemption for investigatory records, as provided in s. 440.108, F.S., under the criteria specified in s. 119.15, F.S., and recommend reenactment, repeal, or revision.

METHODOLOGY:

Staff will evaluate the type of investigatory information that is generally held or received by the Division of Workers' Compensation relating to workers' compensation employer compliance. Legislative history of the 1998 law will be reviewed. Interviews will be held with department staff, insurance industry representatives, employer representatives, the First Amendment Foundation, and other persons, who will be asked whether the exemption is justified under the criteria specified in s. 119.15, F.S. Other state laws will be reviewed for comparative purposes.

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Monitor the Update and Review of the Workers' Compensation System in Florida

DATE DUE: N/A

PROJECT NUMBER: 2003-307

BACKGROUND and DESCRIPTION:

During the 2002 Legislative Session, legislation (CS/HB 1643) was enacted which will impact the administration of the workers' compensation system in Florida by abolishing the Department of Labor and Employment Security and transferring the majority of the programs and functions of the Division of Workers' Compensation to the Department of Insurance, effective July 1, 2002. The remaining programs and functions of the Division of Workers' Compensation will be transferred to the Agency for Health Care Administration and the Department of Education. Also, regulatory authority over individual employers that self insure for purposes of workers' compensation will be transferred from the Division of Workers' Compensation to the Florida Self-Insurers Guaranty Association and the Department of Insurance (CS/CS/HB 319), effective October 1, 2002.

The Legislature (CS/CS/SB 108) also mandated two studies in the area of workers' compensation. The Department of Insurance is required to evaluate and submit a report to the Legislature regarding the availability and affordability of workers' compensation coverage for persons engaged in the construction industry and the Division of Workers' Compensation is required to evaluate and submit a report to the Legislature concerning the current medical fee schedules used for the provision of medical care and treatment and evaluate alternative methods for reimbursement.

On May 22, 2002, Governor Bush announced the appointment of the Commission on Workers' Compensation Reform. Governor Bush charged the Commission to study and make policy recommendations regarding the availability and affordability of workers' compensation insurance, impediments to quicker resolution of workers' compensation claims, changes necessary to reduce the cost of workers' compensation insurance and the adequacy of benefits for injured workers. The Commission will hold public hearings throughout the state and is directed to submit its report and recommendations to the Governor and Legislature by January 31, 2003.

PROJECT OBJECTIVE(S):

Staff will monitor the transfer of the functions of the Division of Workers' Compensation and identify possible legislative changes necessary to completely implement the transfer, if applicable. Also, staff will evaluate issues and recommendations identified in the two workers' compensation studies mandated by the Legislature. Staff will also monitor the activities of the Governor's Commission on Workers' Compensation Reform.

METHODOLOGY:

Staff will monitor the transfer of the functions and programs of the Division of Workers' Compensation by interviewing department personnel and other stakeholders impacted by the transfer. Staff will also attend meetings relating to the transfer and the studies mandated by the Legislature and will attend meetings of the Governor's Commission on Workers' Compensation Reform.

INTERIM MONITOR PROJECT TITLE:

Monitor the Implementation of the Citizens Property Insurance Corporation

DATE DUE: N/A

PROJECT NUMBER: 2003-308

BACKGROUND and DESCRIPTION:

During the 2002 Regular Session, the Legislature passed CS/SB 1418 (Ch. 2002-240, L.O.F.) which changed the structure of the two state-created associations which provide property insurance to persons unable to obtain coverage and merges them into a single entity named the Citizens Property Insurance Corporation (“Citizens”). Effective July 1, 2002, the policies, obligations and liabilities of the Florida Residential Property and Casualty Joint Underwriting Association (JUA) and the Florida Windstorm Underwriting Association (FWUA) are transferred to Citizens. The entity is structured to meet Internal Revenue Service requirements so that its income will be exempt from federal income taxation and it will be able to issue tax-free bonds. Citizens functions under a 7-member Board of Governors appointed by the State Treasurer, effective July 1, 2002.

In general, Citizens will continue to provide the same type of coverage as the prior entities, providing only wind and hail coverage in FWUA-eligible areas, and providing full coverage in the rest of the state like the JUA. However, Citizens may issue “quota share policies” within FWUA areas, by hurricane coverage of an eligible risk.

PROJECT OBJECTIVE(S):

The project will monitor the implementation of Citizens by the Department of Insurance and the Board of Governors, including the hiring of staff for Citizens, contracts entered into on behalf of the corporation, appointments to the Board of Governors, information disseminated to policyholders and agents, the transfer of outstanding bond obligations and other financial arrangements from the FWUA and JUA to Citizens, the status of any rate filings affecting current policyholders, decisions that are made with respect to quota share policies, the status of the number of policies total value insured by Citizens, and other important issues identified by the Department, Board, or other affected parties.

METHODOLOGY:

Staff will arrange briefings by the Department, attend board meetings, interview key personnel, and review contracts and financial reports.

Children and Families

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Retention of Protective Investigators and Protective Services Counselors

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-110

BACKGROUND and DESCRIPTION:

Retaining qualified child protection staff is a problem which Florida has been struggling with for several years. The turnover rate for these staff has ranged from 21.3 percent to 24.63 percent over the last 3 years which is much higher than the state average of between 7.04 percent and 13.17 percent. Loss of experienced child protection staff has been cited as a reason for the Department of Children and Families (DCF) not achieving its performance standards at both the state and federal levels. This interim project would identify and examine the problems contributing to the turnover of child protection staff and develop strategies to assist in retaining qualified staff.

PROJECT OBJECTIVE(S):

The project's objectives would be two-fold:

- To examine the work environment of child protective investigators, those employed by DCF and those employed by local Sheriffs, to compare the two environments and to identify the major stressors that contribute to high turnover; and
- To identify a range of strategies that, individually or collectively, would contribute to the system's ability to retain qualified staff.

METHODOLOGY:

The methodology would include:

- Examining departmental policies/practices and those of appropriate Sheriffs that govern the practice of protective investigators;
- Interviewing and surveying current and former investigative staff about the aspects of their jobs that are rewarding and aspects that contribute to job dissatisfaction;
- Reviewing the efforts of DCF to address staff retention;
- Reviewing relevant professional literature on the issue of child welfare staff retention;
- Assembling an advisory group of individuals with different types of expertise on the subject of retention to help guide the work of the interim project to include, among others, public sector employees, corporate leaders, university researchers, and national policy staff; and
- Assessing the efforts of other states to address this problem which is experienced nationally, not just in Florida, and identifying those efforts that have the most to offer Florida.

INTERIM PROJECT TITLE:

Management Structure of Department of Children and Families

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-111

BACKGROUND and DESCRIPTION:

The Department of Children and Families (DCF) has been the subject of significant reorganizations throughout its 33-year history. In spite of the divestiture of a number of major programs that has been part of these reorganizations, the department is still a large, complex organization of roughly 22,000 employees managing 8 separate programs through 13 geographic districts and 1 region. The department is responsible for many of the most important services provided by state government affecting the lives of tens of thousands of the state's citizens, many of whom are very vulnerable. A great proportion of these services are provided every day without incident; and it is understood that any organization that provides as many services to as many individuals as this one does is going to make mistakes; but the seriousness and frequency of problems that are occurring within this agency surpass a reasonable level and suggest fundamental flaws within the organization's management. Throughout the rash of serious incidents that have occurred in recent years, particularly in the area of Family Safety, DCF has continued to be largely reactive, rather than proactive.

PROJECT OBJECTIVE(S):

This project will focus on two objectives:

1. To examine the management structure of the Department of Children and Families to assess such things as the qualifications and skill level of key management staff, departmental management and quality assurance policies, and methods of oversight in an effort to identify points of weakness that could contribute to performance failures; and
2. To assess the department's authority and its decision-making practices as they relate to the distribution of staff and monetary resources in an effort to identify points of weakness that could contribute to performance failures.

METHODOLOGY:

The staff of the Committees on Children and Families, Governmental Oversight, and Appropriations will gather pertinent information relating to the qualifications and training of management staff; operating procedures and other documents relating to departmental management, quality assurance practices, and laws and rules affecting the transfer of resources as well as information concerning their implementation; interview department staff and outside key informants concerning management and quality assurance practices and issues; and review the literature and consult with national experts concerning effective organizational management.

MANDATORY REVIEWS

INTERIM MANDATORY REVIEW TITLE:

*Open Government Sunset Review of the Public Records Exemption for Licensure of Family Foster Homes, Residential Child Care Agencies, and Child Placing Agencies
(s. 409.175(15), F.S.)*

DATE DUE: December 1, 2002

PROJECT NUMBER: 2003-205

BACKGROUND and DESCRIPTION:

Subsection 409.175 (15), F.S., exempts certain specified information contained in the licensure files for family foster homes from the provisions of s. 119.07(1), F.S., and s. 24(a), Art. 1 of the Constitution unless otherwise ordered by the court. The subsection is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2003, unless reviewed and saved from repeal through reenactment by the Legislature.

PROJECT OBJECTIVE(S):

Conduct the legislative review required pursuant to s. 119.15, F.S., of the public records exemption provided for identifying information of family foster parents and their family members which is scheduled for repeal on October 2, 2003.

METHODOLOGY:

Committee staff will survey the Foster Parents Association, individual foster parents, staff with the Department of Children and Families, and any other affected parties and will review any available documentation to assess the impact the provisions of this section have had on foster parents and to assess the need for continuation of the exemption.

INTERIM MANDATORY REVIEW TITLE:

Open Government Sunset Review of the Public Records Exemption for Address Confidentiality Program for Victims of Domestic Violence (s. 741.465, F.S.)

DATE DUE: December 1, 2002

PROJECT NUMBER: 2003-206

BACKGROUND and DESCRIPTION:

Section 741.465, F.S., specifies that the addresses, corresponding telephone numbers, and social security numbers of program participants in the Address Confidentiality Program for Victims of Domestic Violence are exempt from s. 119.07(1) and s. 24(a), Art. 1 of the State Constitution, except for certain listed purposes. This provision is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2003, unless reviewed and saved from repeal through reenactment of the Legislature.

PROJECT OBJECTIVE(S):

The objective of the review is to conduct the statutorily mandated review of s. 741.465, F.S., and report findings and recommendations to the Senate.

METHODOLOGY:

Staff of the committee will survey participants in the Address Confidentiality Program, staff with the Office of the Attorney General and other affected parties and review any documentation relevant to the review to assess the need for continuing the exemption.

INTERIM MANDATORY REVIEW TITLE:

Zero-Based Budgeting (ZBB) – Department of Children and Families

DATE DUE: January 3, 2003

PROJECT NUMBER: 2003-207

BACKGROUND and DESCRIPTION:

The Legislative Budget Commission schedule for Zero-Based Budgeting (ZBB) provides for agencies to undergo ZBB review during the 2002-2003 interim. The Zero-Based Budgeting review, required by section 216.1825, Florida Statutes, is an extensive, comprehensive analysis of agency programs, services, and activities performed by legislative staff under the direction of designated members of the Legislative Budget Commission. Agency support and cooperation are essential in order to produce a meaningful product which includes an exhaustive compilation of program and service information. Program performance data, customer service, program quality, as well as revenues, expenditures, program policy and other important data and information are reviewed and compiled for legislative review and action.

Scheduled for ZBB review during the 2002-2003 interim are the Economic Self-Sufficiency, Family Safety, and Adult Services programs within the Department of Children and Families.

PROJECT OBJECTIVE(S):

To work with the Appropriations staff, in addition to staff from the House of Representatives, on the comprehensive review of program and service information relating to the Economic Self-Sufficiency, Family Safety, and Adult Services programs within the Department of Children and Families.

METHODOLOGY:

Experience from the prior year showed that this effort is extremely labor intensive for both agencies and legislative staff. As was done last year, this project will be conducted jointly with staff of the House of Representatives. Process and analysis methodologies were developed jointly with other substantive committees and other appropriations subcommittees of both the House and the Senate with review and approval of the Legislative Budget Commission.

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Monitor the Department of Revenue Study of Administrative Establishment of Paternity

DATE DUE: N/A

PROJECT NUMBER: 2003-309

BACKGROUND and DESCRIPTION:

House Bill 1689 from the 2002 legislative session provides for the statewide application and implementation of the pilot program for administrative establishment of child support orders for Title IV-D cases. With this administrative process, the Department of Revenue is authorized to issue a final order of child support obligation that is binding and enforceable, although all Title IV-D parents retain the right to use the court for determining their child support, if they desire.

PROJECT OBJECTIVE(S):

The objective of this monitor project is to track the implementation of this statewide program, along with the progress in the existing pilot county, to determine whether the process works as well as or more efficiently than the traditional, court-based process for the establishment of child support obligations.

METHODOLOGY:

Committee staff will meet with staff of the Department of Revenue and of the courts periodically, review all relevant data, and conduct any other activities necessary to understand the statewide application of the administrative process and to assess how well it is working. The staff will also review any available preliminary documents prepared for the statutorily required report which the Department of Revenue will submit to the Legislature in June 2004.

INTERIM MONITOR PROJECT TITLE:

Monitor Enhanced Residential Group Care

DATE DUE: N/A

PROJECT NUMBER: 2003-310

BACKGROUND and DESCRIPTION:

Senate Bill 632 provides direction to the Department of Children and Families relating to the residential care of certain children in the state's out-of-home care system. Included in that direction is the requirement that the department report by December 1 annually on the placement of children in licensed residential group care. The report is to include the criteria used to determine the placement of children, the number of children who were evaluated for placement, the number of children who were placed based upon the evaluation, and the number of children who were not placed. The department is also directed to maintain data specifying the number of children who were referred to licensed residential group care for whom placement was unavailable.

Senate Bill 632 also directs the Department of Children and Families and the Department of Juvenile Justice to establish an interagency agreement by December 1, 2002, which describes respective agency responsibilities for referral, placement, service provision, and service coordination for dependent and delinquent youth who are referred to residential group care facilities. The agreement must require interagency collaboration in the development of terms, conditions, and performance outcomes for residential group care contracts serving the youth referred who have been adjudicated both dependent and delinquent.

PROJECT OBJECTIVE(S):

The objective of this monitor project will be to monitor the implementation of provisions in SB 632 relating to residential group care including:

- The report required annually on December 1 regarding the placement of children in residential group care and
- The direction to the Departments of Children and Families and Juvenile Justice to establish an interagency agreement.

METHODOLOGY:

Committee staff will monitor the development of the report and the interagency agreement required by SB 632.

INTERIM MONITOR PROJECT TITLE:

Monitor Implementation of Community-Based Care

DATE DUE: N/A

PROJECT NUMBER: 2003-311

BACKGROUND and DESCRIPTION:

Section 409.1671, F.S., directs the Department of Children and Families to contract with qualified lead agencies statewide for the provision of foster care and related services. The department is in the process of entering into lead agency contracts, with some community-based care contracts currently in full implementation, others in transition or start-up, and others in more preliminary stages of development. The law requires complete implementation of the transition to community-based care by December 31, 2004.

In an audit issued in September 2001, the Auditor General reported that the department needed to strengthen its process for managing the contracts held by community-based care lead agencies. As a result, SB 632 directs the department to adopt written policies and procedures for monitoring the contracts and specifies certain requirements for those policies and procedures.

PROJECT OBJECTIVE(S):

The objective of this project will be to monitor the Department of Children and Families' ongoing implementation of community-based care, including the specific direction provided in SB 632 regarding its contract monitoring.

METHODOLOGY:

Committee staff will review reports issued by the Department of Children and Families relevant to the ongoing implementation of community-based care and meet with department staff and community providers to determine how well the implementation is going and to discover any problems being experienced. Staff will also track the development of the required policies and procedures to determine whether they conform with the specific direction provided in SB 632.

INTERIM MONITOR PROJECT TITLE:

Monitor the Closure of G. Pierce Wood Memorial Hospital

DATE DUE: N/A

PROJECT NUMBER: 2003-312

BACKGROUND and DESCRIPTION:

In 2002, the Department of Children and Families phased down and ultimately closed G. Pierce Wood Memorial Hospital, in Arcadia, Florida. G. Pierce Wood had been one of the state's mental health hospitals, and its closure had a major impact on the communities that it had served as well as on the other state hospitals. The department, in conjunction with community mental health providers and with a significant infusion of revenue from the Legislature, put in place a system of community programs and services designed to support individuals at home and in their communities. The effort to close the state hospital and gear up the appropriate set of community programs was successful but not without its difficulties, and the impact of these actions will continue to be felt for a number of years.

PROJECT OBJECTIVE(S):

The objective of this project is to monitor the ongoing effect of the closure of G. Pierce Wood Memorial Hospital on the communities within the hospital's catchment area and on the remaining state hospitals.

METHODOLOGY:

Committee staff will assess the ongoing impact of the closure of the hospital by assessing the department's ability to maintain an appropriate number and array of community beds and treatment options, including ACT teams, determining the rate of hospitalizations from this catchment area, measuring the communities' continued comfort level with the deinstitutionalization, and reviewing relevant data and documents associated with the hospital's closure.

Commerce and Economic Opportunities

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Impact of a Uniform School Year on Florida's Economy

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-112

BACKGROUND and DESCRIPTION:

Under the Florida Statutes, each school district is authorized to set its own start date and school calendar. Historically, school calendars began in late August to early September, but current school calendars begin in early to mid-August. Among the factors influencing these earlier start dates is a desire to provide schools with more time to prepare students for statewide standardized tests. However, concerns have been expressed that the current school calendars with earlier start dates may have a negative effect on the state's economy and Florida tourism in particular.

PROJECT OBJECTIVE(S):

Analyze the effect of current school calendars on Florida's economy and tourism in particular. If any negative effects are identified, evaluate whether a uniform school calendar with a later start date may be instituted that would mitigate these economic effects without reducing the quality of the public school system or affecting its ability to prepare students for statewide assessments.

METHODOLOGY:

Solicit input from education officials and tourism-industry representatives; examine factors that affect school start dates and the variations among school calendars; consider the types of economic costs and benefits to the state that may result from a uniform school calendar with a later start date; and examine the effects of legislation in other states mandating uniform school calendars.

INTERIM PROJECT TITLE:

Administration of the Unemployment Compensation Program

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-113

BACKGROUND and DESCRIPTION:

During the 2000 Regular Session, the Legislature transferred administration of the state's Unemployment Compensation Program from the former Department of Labor and Employment Security's Division of Unemployment Compensation to the Agency for Workforce Innovation (AWI). The transfer was accomplished by a Type II transfer; however, the corresponding statutory references to the division were not updated. In addition, the legislation directed AWI to contract with the Department of Revenue to provide unemployment tax collection services, but these provisions were not codified in the Florida Statutes. During the 2002 Regular Session, the Legislature abolished the Department of Labor and Employment Security and transferred the department's remaining divisions, functions, and

responsibilities to other executive branch agencies. The legislation clarified that AWI is the designated agency for administering federal grants and other funds of the Unemployment Compensation Program. The legislation also specified that AWI's Office of Workforce Services is responsible for administering the program. Despite these clarifications, obsolete references to the former Division of Unemployment Compensation and the former Department of Labor and Employment Security remain throughout the state's Unemployment Compensation Law (ch. 443, F.S.), and the statutes do not reflect the contractual relationship between AWI and the Department of Revenue for the collection of unemployment taxes.

PROJECT OBJECTIVE(S):

Review the Unemployment Compensation Law (ch. 443, F.S.), as well as any related statutes, to ensure that the statutory provisions reflect the current agency framework for administration of the Unemployment Compensation Program.

METHODOLOGY:

Conduct interviews with staff from the Agency for Workforce Innovation and the Department of Revenue; review the Unemployment Compensation Law (ch. 443, F.S.), as well as any related statutes; and identify those obsolete or erroneous provisions or those provisions that do not otherwise reflect the current agency framework for administration of the Unemployment Compensation Program, which may then be addressed by legislative action.

INTERIM PROJECT TITLE:

Optimizing Accountability Requirements for State Economic Development Public-Private Partnerships

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-114

BACKGROUND and DESCRIPTION:

Based on the idea that overall state economic development efforts benefit when government and the business community capitalize on each other's strengths, the Legislature abolished the Department of Commerce in 1996 and assigned many of its responsibilities to various public-private partnerships. As a result, the Governor's Office of Tourism, Trade, and Economic Development currently contracts with several public-private partnerships in order to promote coordinated and consistent implementation of state economic development programs. These partnerships include Enterprise Florida, Inc.; the Florida Commission on Tourism/Florida Tourism Industry Marketing Corporation (Visit Florida); the Florida Space Authority; the Florida Sports Foundation; and the Florida Black Business Investment Board.

According to economic development experts, this public-private partnership model is now being emulated across the nation. In fact, a recent national survey indicates that a majority of responding economic development organizations are private, non-profit corporations instead of government agencies.

Although all of the state's partnerships help promote economic development, they have differing missions, organizational structures, and operating procedures. Moreover, as these partnerships have matured, issues of accountability have arisen. The legislative and executive branches' use of performance audits, financial and compliance audits, performance measures, contractual obligations, and numerous statutory requirements (*e.g.*, non-state matching funds) does not appear to have fully satisfied

the accountability/information needs of policymakers or provided the partnerships with efficient operating environments. Furthermore, the partnerships' statutory accountability requirements are inconsistent.

PROJECT OBJECTIVE(S):

Determine the optimal level and types of accountability requirements for the main economic development public-private partnerships that contract with the Governor's Office of Tourism, Trade, and Economic Development.

METHODOLOGY:

Interview members of the main economic development public-private partnerships that contract with the Governor's Office of Tourism, Trade, and Economic Development; interview members of public and private entities responsible for assessing the performance of the partnerships; perform a literature review and Internet research regarding accountability systems for public-private partnerships engaged in economic development; and identify relevant accountability policies and procedures successfully used in other states.

MANDATORY REVIEWS

INTERIM MANDATORY REVIEW TITLE:

Zero-Based Budgeting (ZBB) Review – Department of State – Corporations Program, and Advocating International Business Partnerships Service

DATE DUE: January 3, 2003

PROJECT NUMBER: 2003-208

BACKGROUND and DESCRIPTION:

The Legislative Budget Commission's schedule for Zero-Based Budgeting (ZBB) provides for seven agencies to undergo ZBB review during the 2002-2003 interim. The ZBB review, required by s. 216.1825, F.S., is an extensive, comprehensive analysis of agency programs, services, and activities performed by legislative staff under the direction of designated members of the Legislative Budget Commission. Agency support and cooperation are essential in order to produce a meaningful product that includes an exhaustive compilation of programs and information. Program performance data, customer service, program quality, as well as revenues, expenditures, program policy, and other important data and information are analyzed and compiled for legislative review and action.

The Department of State is one of the agencies scheduled for ZBB review during the 2002-2003 interim. Within the department, both the Corporations Program, which comprises the Commercial Recordings and Registrations Service, and the Advocating International Business Partnerships Service within the Office of the Secretary and Administrative Services Program are scheduled for review.

PROJECT OBJECTIVE(S):

Monitor and assist staff of the Appropriations Subcommittee on General Government, in addition to staff from the House of Representatives, on the comprehensive review of program and service information relating to the Corporations Program and the Advocating International Business Partnerships Service of the Department of State.

METHODOLOGY:

Experience from prior Zero-Based Budgeting reviews demonstrates this effort is labor intensive for both agencies and legislative staff. Consistent with past years, this project will be conducted jointly with staff of the House of Representatives. Process and analysis methodologies were developed jointly with other substantive committees and other appropriations subcommittees of both the Senate and the House of Representatives, with the review and approval of the Legislative Budget Commission.

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Monitor the Dissolution of the Department of Labor and Employment Security

DATE DUE: N/A

PROJECT NUMBER: 2003-313

BACKGROUND and DESCRIPTION:

Beginning in 1999, the Legislature initiated a reorganization of the Department of Labor and Employment Security, which evolved throughout 2000 and 2001 into the transfer of sizeable portions of the department to other executive branch agencies. During the 2002 Regular Session, the Legislature abolished the Department of Labor and Employment Security and transferred the department's remaining divisions, functions, and responsibilities to other executive branch agencies effective July 1, 2002 (ch. 2002-194, L.O.F.). Several of the department's remaining functions were within the policy jurisdiction of the Committee on Commerce and Economic Opportunities, including the regulation of child labor (ch. 450, F.S.), migrant labor and farm labor (ch. 450, F.S.), and other workplace regulation and enforcement (ch. 448, F.S.), which were transferred to the Department of Business and Professional Regulation. The legislation also transferred the Unemployment Appeals Commission to the Agency for Workforce Innovation (AWI) and provided additional changes to AWI's organizational structure.

PROJECT OBJECTIVE(S):

Monitor implementation of those provisions of ch. 2002-194, L.O.F., which impact the committee's policy jurisdiction in order to help identify any barriers to full and effective achievement of the policies contained in the legislation, which may then be addressed by legislative action.

METHODOLOGY:

Conduct interviews with staff from the Agency for Workforce Innovation, the Department of Business and Professional Regulation, or other affected agencies and review implementation plans, status reports, performance data, or other similar documentation to the extent such materials are available.

INTERIM MONITOR PROJECT TITLE:

Monitor Implementation of the Florida Technology Development Act

DATE DUE: N/A

PROJECT NUMBER: 2003-314

BACKGROUND and DESCRIPTION:

During the 2002 Regular Session, the Legislature created the Florida Technology Development Act (act), which establishes a process for the State Board of Education (board) to develop, approve, and authorize expenditures for a plan for establishing one or more “centers of excellence” at or in collaboration with universities in the state (ch. 2002-265, L.O.F.). The term “center of excellence” is defined as an organization of personnel, facilities, and equipment which, among its functions, identifies and pursues opportunities for research and technology transfer, recruits and retains world-class researchers, and stimulates and supports the growth of the state’s technology industry. The process created by this act includes the creation of the Emerging Technology Commission within the Governor’s Office for the purpose of recommending preliminary plans to the board for consideration. The board must approve its final plan, including applicable performance and accountability measures, by March 15, 2003.

During the 2002 Special Session E, the Legislature appropriated \$30 million for the establishment of centers of excellence under the act. (*See* Specific Appropriation 173A, ch. 2002-394, L.O.F.) However, release of funds for this purpose is contingent upon approval of an expenditure plan by the Legislative Budget Commission.

PROJECT OBJECTIVE(S):

Monitor the implementation of the act in order to help identify any barriers to full and effective achievement of the policies contained in the legislation.

METHODOLOGY:

Maintain contact with the staffs of the Emerging Technology Commission, the State Board of Education, and other relevant entities; attend meetings of those entities; and examine reports or similar documents prepared by those entities.

INTERIM MONITOR PROJECT TITLE:

Monitor the Passport to Economic Progress Demonstration Program

DATE DUE: N/A

PROJECT NUMBER: 2003-315

BACKGROUND and DESCRIPTION:

During the 2001 Regular Session, the Legislature authorized the “Passport to Economic Progress” demonstration program in Hillsborough and Manatee counties (ch. 2001-175, L.O.F.). The purpose of the demonstration program is to help current and former recipients of temporary cash assistance generate family incomes that promote economic self-sufficiency, as well as to develop a potential model for the continued evolution of the state’s welfare-reform effort. The demonstration program increases the earned income disregard for recipients of cash assistance, provides wage supplementation, and extends certain transitional benefits and services for former recipients of cash assistance in the pilot communities. The demonstration program is administered by Workforce Florida, Inc., the Department of Children and Family Services, the Agency for Workforce Innovation, and the regional workforce boards. The Committee on Commerce and Economic Opportunities monitored the initial implementation of the demonstration program during the 2001-2002 interim.

PROJECT OBJECTIVE(S):

Monitor continued implementation of the demonstration program in order to help identify any barriers to full and effective implementation, which may then be addressed by legislative action. This project continues monitoring of the demonstration program from the 2001-2002 interim.

METHODOLOGY:

Conduct interviews with staff from state and local agencies or entities that have roles in implementing the demonstration program; attend meetings organized by such participating agencies or entities; and review implementation plans, status reports, performance data, or other similar documentation to the extent such materials are available.

Comprehensive Planning, Local and Military Affairs

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Does Current Law Adequately Address Delivery of Local Governmental Service Issues and Other Conflicts that Arise During Annexation?

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-115

BACKGROUND and DESCRIPTION:

Section 2 of CS/SB 1906 & 550, First Enrolled, requires cities, counties and special districts to submit to the Legislature, by February 1, 2003, recommended statutory changes for annexation, including any changes that address the delivery of local government services in areas planned for annexation. Often, comprehensive plan changes associated with the annexation and changes in service delivery arrangements result in litigation between local governments.

PROJECT OBJECTIVE(S):

The purpose of the project is to identify the types of intergovernmental conflicts which arise during annexation and to evaluate whether the current statutory process of annexation should be revised to address these conflicts.

METHODOLOGY:

Review recent case law, survey and interview individuals from local governments, League of Cities, Association of Counties and make recommendations to the Legislature.

INTERIM PROJECT TITLE:

Review of Chapter 250, F.S., Military Affairs and Related Matters

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-116

BACKGROUND and DESCRIPTION:

The Department of Military Affairs reports that chapter 250, F.S., may need to be revised to resolve internal inconsistencies; to resolve inconsistencies with the revised Manual for Courts Martial; to address workers' compensation issues related to guard members; and to strengthen job protection rights of guard members activated for state duty.

PROJECT OBJECTIVE(S):

To review chapter 250, F.S., and make recommendations to the Legislature.

METHODOLOGY:

With assistance from the Department of Military Affairs, committee staff will work with staff of the House of Representatives Committee on Local Government and Veterans' Affairs to review chapter 250, F.S., to identify provisions that may need to be revised.

INTERIM PROJECT TITLE:

Review to Determine the Adequacy of Current Funding and Implementation Mechanisms for Growth Management Infrastructure

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-117

BACKGROUND and DESCRIPTION:

The problem of how best to fund the infrastructure necessary to support population growth in Florida has been an unresolved issue associated with growth management efforts over the past twenty years. The Legislative Committee on Intergovernmental Relations (LCIR) recently completed a study of current sources of revenue of infrastructure funding for local governments, patterns of infrastructure spending, and options for funding local infrastructure. The LCIR approved several specific policy options and directed the drafting of legislation to implement the recommendations. These recommendations were not enacted during the 2002 session. In addition, during the 2001 and 2002 legislative sessions, versions of growth management legislation have included provisions, not enacted into law, granting local governments and school boards flexibility in levying local option sales surtaxes for the purpose of funding infrastructure. Finally, the Governor's Office, following a recommendation of the Growth Management Study Commission, is contracting this summer with a consultant to develop a "full-cost accounting" methodology that is intended to provide local governments with a method of calculating infrastructure costs and deficits. The widespread application of such a model by local governments will be to quantify infrastructure funding costs, including the magnitude of existing funding deficits.

PROJECT OBJECTIVE(S):

The purpose of this interim project is to evaluate the feasibility of the local infrastructure funding options identified by the LCIR, and well as any others identified through additional staff research, and to draft legislation implementing the option or options that are determined to be the most feasible.

METHODOLOGY:

Interview staff of the LCIR and local governments, develop list of options, and make recommendations for the Legislature.

MANDATORY REVIEWS

INTERIM MANDATORY REVIEW TITLE:

Open Government Sunset Review of the Public Records Exemption Relating to Employee Assistance Programs (s. 125.585, F.S.)

DATE DUE: December 1, 2002

PROJECT NUMBER: 2003-209

BACKGROUND and DESCRIPTION:

Section 125.585, F.S., provides that any communication between a county employee and personnel or service providers of a county employee assistance program relating to that employee's participation in

such program is confidential communication, and is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. "Employee assistance program" means a program provided by a county to assist any employee who has a behavioral or medical disorder, substance abuse problem, or emotional difficulty which affects the employee's job performance, through referral for counseling, therapy, or other professional treatment.

Section 125.585, F.S., provides that these public records exemptions are subject to the Open Government Sunset Review Act of 1995 in accordance with s.119.15, and are repealed on October 2, 2003, unless reviewed and saved from repeal through reenactment by the Legislature.

PROJECT OBJECTIVE(S):

To determine the necessity of the public records exemption.

METHODOLOGY:

With assistance from the Legislative Committee on Intergovernmental Relations and the Florida Association of Counties, staff will conduct a review of the public records exemptions and make recommendations to the Legislature.

INTERIM MANDATORY REVIEW TITLE:

Open Government Sunset Review of the Public Records Exemption Relating to Employee Assistance Programs (s. 166.0444, F.S.)

DATE DUE: December 1, 2002

PROJECT NUMBER: 2003-210

BACKGROUND and DESCRIPTION:

Section 166.0444, F.S., provides that any communication between a municipal employee and personnel or service providers of a municipal employee assistance program relating to that employee's participation in such program is confidential communication, and is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. "Employee assistance program" means a program provided by a municipality to assist any employee who has a behavioral or medical disorder, substance abuse problem, or emotional difficulty which affects the employee's job performance, through referral for counseling, therapy, or other professional treatment.

Section 166.0444, F.S., provides that these public records exemptions are subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and are repealed on October 2, 2003, unless reviewed and saved from repeal through reenactment by the Legislature.

PROJECT OBJECTIVE(S):

To determine the necessity of the public records exemption.

METHODOLOGY:

With assistance from the Legislative Committee on Intergovernmental Relations and the Florida League of Cities, staff will conduct a review of the public records exemptions and make recommendations to the Legislature.

INTERIM MANDATORY REVIEW TITLE:

Open Government Sunset Review of the Public Records Exception of the Florida Accidental Prevention and Release and Risk Management Planning Act (s. 252.943, F.S.)

DATE DUE: December 1, 2002

PROJECT NUMBER: 2003-211

BACKGROUND and DESCRIPTION:

Section 252.934, F.S., creates the “Florida Accidental Prevention and Release and Risk Management Planning Act,” which grants the Department of Community Affairs the authority to seek delegation from the United States Environmental Protection Agency to implement the Accidental Release Prevention Program under s. 112(r)(7) of the Clean Air Act. Under the program, the owner or operator of a stationary source (a facility that emits or has the potential to emit air pollutants) which uses, stores, processes, or manufactures any one of 140 regulated substances, over a threshold quantity, is required to develop and implement a risk management program. Section 252.943, F.S., creates an exception to chapter 119, F.S., the Florida Public Records Act, for certain information contained in risk management plans that would divulge methods or processes entitled to protection as trade secret as defined in 40 C.F.R. part II, subpart B. Under the exemption, such information may not be divulged except upon a determination by the Administrator of the Environmental Protection Agency that such records, reports are information are not entitled to trade secret protection or pursuant to an order of the court.

In addition, the treatment of off-site consequence data that is contained in risk management plans, has been exempted from the Freedom of Information Act by the “Chemical Safety Information, Site Security and Fuels Regulatory Relief Act of 1999.” The federal act provides that it supercedes any provision of State or local law that is inconsistent with provisions limiting the public disclosure of off-site consequence data, unless a state is available data on the off-site consequences of chemical releases collected under state law.

PROJECT OBJECTIVE(S):

The purpose of the project is to conduct a review of the public records exemption set forth in s. 252.943, F.S., and to evaluate whether the exemption should be modified to address off-site consequence data in addition to trade secret information.

METHODOLOGY:

Staff will review the public records exemption, interview relevant program staff at the Department of Community Affairs, and make recommendations to the Legislature.

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Monitor Implementation of the Florida Building Code

DATE DUE: N/A

PROJECT NUMBER: 2003-316

BACKGROUND and DESCRIPTION:

The Florida Building Code became effective March 1, 2002. Previous laws required the Florida Building Commission to monitor its implementation and to coordinate initial training on the Code.

In addition, in 2002 the Legislature enacted a number of provisions relating to building code development and administration, and required the commission to develop building code provisions to facilitate rehabilitation and use of existing structures, and to grant a waiver from the accessibility requirements of the Florida Building Code if the applicant demonstrates an economic hardship in accordance with the federal law.

PROJECT OBJECTIVE(S):

N/A

METHODOLOGY:

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

INTERIM MONITOR PROJECT TITLE:

Monitor Implementation of the Homeless Legislation enacted in 2001

DATE DUE: N/A

PROJECT NUMBER: 2003-317

BACKGROUND and DESCRIPTION:

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

PROJECT OBJECTIVE(S):

N/A

METHODOLOGY:

Staff will monitor the actions of the State Office on Homelessness and the Council on Homelessness and the distribution of grant funds to identify implementation problems and any necessary statutory changes for the 2003 Legislative Session.

INTERIM MONITOR PROJECT TITLE:

Monitor Implementation of Growth Management Legislation Passed During the 2002 Session

DATE DUE: N/A

PROJECT NUMBER: 2003-318

BACKGROUND and DESCRIPTION:

Senate Bill 1906, passed during the 2002 session, makes a number of changes to Florida's Growth Management laws. These changes include the following: local governments and school boards must enter interlocal agreements governing school siting and other coordination issues; local governments must consider information contained in certain regional water supply plans in their comprehensive planning; state review of comprehensive plan amendments is streamlined; and changes are made to thresholds to and exemptions from the development-of-regional impact program. In addition, certain local governments are required to inventory their interlocal service agreements, and make legislative recommendations concerning annexation laws. Because of these changes, the Department of Community Affairs is initiating the rulemaking necessary to implement some of the regulatory changes included in the bill. In addition, the department is required to adopt a schedule specifying deadlines for local governments and school boards to enter the required interlocal agreements.

PROJECT OBJECTIVE(S):

N/A

METHODOLOGY:

Interview staff of the Department of Community Affairs, local governments, school boards, and various stakeholder groups and review proposed administrative rules. Monitor the progress of the Department of Community Affairs, local governments and school boards in implementing the provisions of the bill.

Criminal Justice

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Critical Issues in the use of DNA Evidence in Prosecution and Defense Proceedings

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-118

BACKGROUND and DESCRIPTION:

Staff will examine various current issues relating to the use of DNA evidence in criminal cases such as the extension of Statutes of Limitation, developing technology, laboratory protocol and evidence retention.

PROJECT OBJECTIVE(S):

Staff will review and report on trends in the use of DNA evidence in criminal cases.

METHODOLOGY:

Staff will conduct legal and general research.

INTERIM PROJECT TITLE:

Review Effectiveness of Juvenile Programs that use a Visual and Performing Arts-Based Intervention Approach

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-119

BACKGROUND and DESCRIPTION:

Since 1995 there has been a growing collaborative effort among federal agencies and national arts organizations to promote arts-based programs for at-risk youth. These programs are typically after school, weekend and summer programs that provide training in visual arts, drama, dance and graphics and provide the opportunity to use new skills and have contact with positive adult role models. The overarching goals of these programs are: (1) to improve communication and cooperation skills; (2) to improve attitudes and behaviors that affect delinquency and academic performance; (3) to reduce problem and delinquent behaviors; and (4) increase academic success. Recently, multiple federal research entities and private corporations have attempted to determine if these programs are effective and what features of the programs are the most important to their success.

PROJECT OBJECTIVE(S):

This interim project will: (1) review and summarize the conclusions from the wide array of national evaluation research available on these type of programs both inside and outside of Florida; (2) identify and describe the “successful” programs operating nationwide; and (3) identify and review any arts-based programs currently operating in Florida.

METHODOLOGY:

Many program evaluations and statistical analyses will be collected and reviewed, experts at the federal level will be interviewed, programs will be visited and state officials will be consulted.

INTERIM PROJECT TITLE:

Staffing and Support for Joint Legislative Committee on Article V

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-120

BACKGROUND and DESCRIPTION:

Amendment seven to the State Constitution, adopted by the voters in November of 1998, provides that the State will assume the costs of the State Court System except for certain costs specifically allocated to the counties by the Constitution. This amendment calls for implementation to begin in FY 1999/2000 and to be completed by July 1, 2004. The implementation is to be carried out in accordance with a schedule to be developed by the Legislature.

Implementation of the changes to Article V requires a number of major policy decisions. These include:

- a) Determining what activities of the courts, state attorneys and public defenders are to be paid by the state;
- b) Defining those costs of the court system the counties are obligated to pay;
- c) Determining what constitutes a local requirement of the court which should be paid by the counties;
- d) Defining court related functions of the clerk; and
- e) Determining what are adequate and appropriate filing fees, service charges and costs to be imposed by the legislature to fund the court related functions of the clerks.

In addition to the policy decisions, to implement amendment seven the state and local governments must develop uniform and reliable expenditure and revenue data with reporting mechanisms that ensure sound decision-making in the appropriations process. The legislature will also need to develop cost control mechanisms to address the long-term costs of the state court system along with a way to fund current costs and increases in those costs over time.

In 2000 Senate President Jennings and House Speaker Thrasher established the Task Force on State Court Funding/Article V, to formulate recommendations on implementation of the amendment. The task force recommended an implementation schedule and definitions for the basic judicial system as well as definitions for those items the Constitution requires the counties to fund. The proposed schedule for review of the court system and definitions of court functions and county responsibilities were approved by the Legislature in SB 1212, Chapter 2000-237, Laws of Florida.

PROJECT OBJECTIVE(S):

This interim project will continue the review of the court system moving the state toward implementation of the 1998 revisions seven to Article V of the State Constitution by July 1, 2004.

METHODOLOGY:

Committee staff will assist with the work of the Joint Legislative Committee on Article V including assisting in the management and review of a consultant contract. Additionally, staff will perform various research and data compilation projects to facilitate the legislative review of specific issues.

MANDATORY REVIEWS

INTERIM MANDATORY REVIEW TITLE:

Zero-Based Budgeting (ZBB) Review – State Attorneys and Public Defenders, Circuits 1 through 20

DATE DUE: January 3, 2003

PROJECT NUMBER: 2003-212

BACKGROUND and DESCRIPTION:

Staff will assist the fiscal policy staff with reviewing the State Attorneys and Public Defenders as part of the zero-based budgeting exercise.

The Legislative Budget Commission schedule for Zero-Based Budgeting (ZBB) provides for seven agencies to undergo ZBB review during the 2002-2003 interim. The ZBB review, required by s. 216.1825, F.S., is an extensive, comprehensive analysis of agency programs, services and activities performed by legislative staff under the direction of designated members of the Legislative Budget Commission. Agency support and cooperation are essential in order to produce a meaningful product that includes an exhaustive compilation of program and service information. Program performance data, customer service, program quality, as well as revenues, expenditures, program policy, and other important data and information are reviewed and compiled for legislative review and action.

PROJECT OBJECTIVE(S):

Staff will assist the fiscal policy staff with reviewing and provide information to legislators as to potential policy and funding changes associated with the zero-based budgeting review for the State Attorneys and Public Defenders

METHODOLOGY:

Staff will attend any meetings relevant to the zero-based budgeting exercise and complete the necessary paperwork.

INTERIM MANDATORY REVIEW TITLE:

Open Government Sunset Review of the Public Records Exemption for Taped Video Statements of Minors (s. 119.07(3)(s)2., F.S.)

DATE DUE: December 1, 2002

PROJECT NUMBER: 2003-213

BACKGROUND and DESCRIPTION:

Section 119.07(3)(s)2., F.S., provides that all information in a videotaped statement of a minor which may reveal the identity of the minor who is the victim or the alleged victim of certain sex crimes

is confidential and exempt from the provisions of s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution. This exemption is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, F.S., and shall stand repealed on October 2, 2003, unless reviewed and saved from repeal by the Legislature.

PROJECT OBJECTIVE(S):

Staff will determine whether the exemption meets the statutory and constitutional criteria to be saved from repeal.

METHODOLOGY:

Staff will conduct the necessary sunset review by gathering information from interested parties and analyzing the relevant legal precedents.

INTERIM MANDATORY REVIEW TITLE:

Open Government Sunset Review of the Public Records Exemption for Identity of Executioner (s. 922.106, F.S.)

DATE DUE: December 1, 2002

PROJECT NUMBER: 2003-214

BACKGROUND and DESCRIPTION

Section 922.106, F.S., provides a public records exemption for information that would identify a person who prepares or administers the lethal injection for executing a prisoner. The exemption will be repealed on October 2, 2003, if it is not reenacted.

PROJECT OBJECTIVE(S):

To review whether it is good public policy to continue the public records exemption that protects the identity of persons preparing or administering the lethal injection.

METHODOLOGY:

Case law, media reports, and the practices of other jurisdictions will be reviewed. Recommendations and observations will be solicited from correctional personnel and persons who advocate either maintaining or eliminating the exemption.

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Monitor the Implementation of Various Penalty Provisions within CS/CS/HB 1057 Relating to Driving and Boating Under the Influence, Including the use of Mandatory Ignition Interlock Devices

DATE DUE: N/A

PROJECT NUMBER: 2003-319

BACKGROUND and DESCRIPTION:

The Legislature passed CS/CS/HB 1057 during the 2002 Legislative Session. Contained in that legislation were several penalty enhancements relating to DUI and BUI offenders that will take effect July 1, 2002, as well as the use of mandatory ignition interlock devices that will take effect July 1, 2003.

PROJECT OBJECTIVE(S):

Staff will gather and review information relevant to the various new penalties and the delayed implementation of the use of mandatory ignition interlock devices for repeat DUI offenders. For example, during the passage of this bill, an issue came up about whether to expand the law allowing certain repeat DUI offenders to be eligible for a restricted driver's license. Since the mandatory placement of these devices has a delayed effective date of July 1, 2003, there is an opportunity to monitor implementation and address potential legislative changes, if needed.

METHODOLOGY:

Staff will attend meetings relevant to the implementation of this legislation, as well as communicate with the Department of Highway Safety and Motor Vehicles in order to gather relevant information concerning the delayed implementation of the use of ignition interlock devices.

INTERIM MONITOR PROJECT TITLE:

Monitor the Implementation of the Department of Correction's Addiction Recovery Supervision Program and other Programmatic Aspects of Chapter 2001-110, L.O.F.

DATE DUE: N/A

PROJECT NUMBER: 2003-320

BACKGROUND and DESCRIPTION:

Staff will monitor the implementation of the Department of Correction's addiction recovery supervision program, as well as other relevant programmatic aspects of ch. 2001-110, L.O.F. (including the required 100-hour transition course for inmates).

PROJECT OBJECTIVE(S):

Staff will monitor these and other issues necessary to effectively implement this legislation so that the committee will be better informed as to the progress of the department on these issues.

METHODOLOGY:

Staff will attend any meetings related to the implementation of this legislation, as well as maintain communication with the Department of Corrections and other interested persons.

INTERIM MONITOR PROJECT TITLE:

Monitor Sentencing in Capital Cases

DATE DUE: N/A

PROJECT NUMBER: 2003-321

BACKGROUND and DESCRIPTION:

The U.S. Supreme Court has reviewed a death penalty case from Arizona, *Ring v. Arizona*. The challenge centered around Arizona's death penalty sentencing scheme wherein the jury is not involved in the sentencing of the defendant. This case could have an impact in Florida where the jury only provides an advisory verdict as to the appropriate sentence in a capital case but the trial judge makes the ultimate decision.

PROJECT OBJECTIVE(S):

To monitor the developments in the *Ring v. Arizona* case.

METHODOLOGY:

Staff will track the Court docket and review briefs filed in the case as well as the Court's decision when it is issued.

INTERIM MONITOR PROJECT TITLE:

Monitor the Implementation of the Settlement Agreement in Osterback v. Moore

DATE DUE: N/A

PROJECT NUMBER: 2003-322

BACKGROUND and DESCRIPTION:

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

PROJECT OBJECTIVE(S):

The objective of the project is to monitor the department's compliance with the provisions of the settlement agreement in Osterback v. Moore.

METHODOLOGY:

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

INTERIM MONITOR PROJECT TITLE:

Monitor the Implementation of Mandatory HIV Testing of Inmates

DATE DUE: N/A

PROJECT NUMBER: 2003-323

BACKGROUND and DESCRIPTION:

House Bill 1289 requires the Department of Corrections to institute an expanded transition assistance program for HIV-positive inmates. The new law will require the department to test inmates for HIV infection not less than 60 days prior to release from prison, except in certain circumstances; to

provide HIV positive inmates with transitional assistance relating to HIV/AIDS; and to notify the Department of Health and the relevant county health department of the anticipated release of an HIV-positive inmate.

PROJECT OBJECTIVE(S):

To monitor the Department of Corrections' implementation of House Bill 1289.

METHODOLOGY:

Discussions with department and county health department personnel and review of reports, policies and memoranda.

Education

INTERIM PROJECTS

INTERIM PROJECT TITLE:

<i>First Year Teacher Retention</i>

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-121

BACKGROUND and DESCRIPTION:

Many states are experiencing significant teacher shortages or facing the prospect of such shortages in the near future. In Florida, a growth state whose postsecondary institutions produce only about half the teachers the public schools need each year, the shortage problem is already severe. Over the last several years the Legislature has taken steps in the form of targeted appropriations and the initiation of special programs to assist the school districts in attracting and retaining well-qualified instructional personnel. One frequently repeated suggestion for retaining teachers is for school districts to provide comprehensive orientation and mentoring programs for those persons entering their first year of teaching. From the mid 1980s until the mid 1990s districts were required by law to have a beginning teacher program with state required procedures and objectives. The law was repealed in a general move toward giving local school boards more autonomy in dealing with operational items like staff training and development. Since the repeal of the Beginning Teacher Program the school districts have been allowed to design and implement their own orientation and staff development programs.

The Best Financial Management Practices Reviews of school districts conducted by the Office of Program Policy Analysis and Government Accountability (OPPAGA) examine district staff development programs. The reviews look for such best practice indicators as orientation, induction, and mentoring services based on district-wide assessments of need. Unfortunately, it will be five years before OPPAGA can complete reviews for all 67 school districts. In the meantime, the Legislature will continue to be in the position of trying to address the teacher shortage problem without complete information on what strategies the districts are using to attract and retain a well-qualified instructional staff, especially those strategies that support teachers during their first year in the classroom.

PROJECT OBJECTIVE(S):

The objective of the project is to identify and monitor school district strategies to support first-year teachers. A report will be produced cataloguing the findings, identifying the most common strategies, and listing first-year teacher retention rates for the last few years.

METHODOLOGY:

The Education Committee staff will:

- Survey school districts to identify first-year teacher support strategies
- Work with the Department of Education and professional organizations to interpret survey results
- Consult with OPPAGA in the identification and classification of effective strategies
- If appropriate, draft project recommendations in the form of proposed legislation

INTERIM PROJECT TITLE:

Review of the New School Code

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-122

BACKGROUND and DESCRIPTION:

The Florida School Code was restructured by the 2002 Legislature in response to recommendations from the Florida Board of Education. The code restructuring is the latest in a series major changes to the state's education system initiated by a 1998 constitutional amendment that replaced the elected Cabinet serving as the State Board of Education with an appointed board, and the elected Commissioner of Education with a commissioner appointed by the new state board. These changes are to go into effect January 7, 2003. In response, and in anticipation of the implementation of the constitutional changes, the 2000 Legislature enacted The Florida Governance Reorganization Act of 2000 (ch. 2000-321, L.O.F.) The act provided for the January 7, 2003 repeal of several chapters and sections of the Florida School Code, pending prior legislative review. The required reviews were intended to examine current law to identify the changes necessary to implement the new education governance structure. The 2001 Legislature followed the trend by passing the Florida Education Governance Implementation Act (ch. 2001-170, L.O.F.) which, among other things, abolished the Board of Regents and established boards of trustees for each of the state's eleven public universities, created the Florida Board of Education as the appointed state board of education in training, and gave the new board the responsibility of recommending a revised school code to the Legislature.

Chapter 2002-396, L.O.F., provides that the current code in effect since 1939 will be repealed on January 7, 2003, and a new code reflecting a K-20 seamless system of public education will take its place. For the most part, the new code will include the current education laws; however, the statutes will be reorganized with new chapter and section numbers. For example, all the existing laws affecting education personnel from public schools through universities have been grouped together in a new chapter of law, ch. 1012, F.S., with subparts for each education level: public schools, community colleges, and universities. In addition to reorganizing the code, the act makes major revisions in the laws affecting the governance of state universities, and the organization and operation of the new State Board of Education and the Department of Education. Finally, the act requires the Legislature to review the new Florida School Code during the 2003 Regular Session of the Legislature.

PROJECT OBJECTIVE(S):

The primary objective of the project is to identify those areas of the new school code that will require technical or substantive change by the 2003 Legislature. These changes would be in the nature of such things as correcting cross-references and terminology, and revising sections of law to eliminate unintended obstacles and expedite agency implementation.

METHODOLOGY:

The Education Committee staff will use the interim period prior to the 2003 Legislative Session to begin the process of reviewing the new school code. The legislation enacting the new code is almost 1800 pages long making it imperative that the review process begin as soon as possible so recommendations for changes may be provided to members of the Senate in a timely fashion.

- The committee staff will develop a set of principles to guide the review

- Each committee staff person will be assigned a portion of the code to review using the guiding principles
- Consult with staff members from the Governor' Office, House of Representatives, and the education agencies while conducting the review
- Prepare a project report highlighting major review findings
- Recommend proposed legislation to resolve issues identified during the review process

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

<i>Alternate Route to Certification for Educators and Principals</i>

DATE DUE: N/A

PROJECT NUMBER: 2003-324

BACKGROUND and DESCRIPTION:

The Florida Office of Economic and Demographic Research projects a need for a total of 162,296 new teachers in Florida between now and 2010. This year, almost 15,000 teachers are expected to resign or terminate their employment, and about 1,100 additional teachers will be needed to accommodate growing student enrollments. Last year, almost 9 percent of Florida's teaching force needed to be replaced.

Only about 6,000 teacher candidates graduate each year from state-approved teacher education programs, so the 2000 Legislature mandated that, by 2002, each school district must implement an approved alternate route to certification for educators. The 2002 Legislature passed a bill authorizing each district to adopt its own alternate route with approval by the Department of Education and also authorizes an alternate route to certification for school principals. The various components of the alternate route are now in place, including new assessment measures that may replace college courses formerly required to demonstrate subject matter competency.

School district personnel have described various hurdles in the way of implementing these requirements, and Senate staff will monitor the progress.

PROJECT OBJECTIVE(S):

The object of this activity is to ascertain whether the alternate route to certification is an effective measure to deal with the teacher shortage.

METHODOLOGY:

Meet with staff of school districts, colleges of education, and the Department of Education. Collect and analyze data produced on-line and by school districts during the implementation process.

INTERIM MONITOR PROJECT TITLE:

Charter Schools: Implementation of 2002 Legislative Changes

DATE DUE: N/A

PROJECT NUMBER: 2003-325

BACKGROUND and DESCRIPTION:

Charter schools remain a relatively young addition to Florida's education landscape. Each year since their inception in 1996, the laws governing charter schools have been amended. The 2002 regular and special sessions have included the following significant legislative changes to charter schools: final appellate decision making was removed from district school boards and vested in the State Board of Education with a charter school commission as an intermediary step; charter schools were granted an exemption from building fees as well as service availability and impact fees; the previously mandatory "purpose" provision of the statutes was altered to include both mandatory and permissive purposes that charter schools will fulfill; and the Commissioner of Education was given the ability to identify a dedicated funding source for charter school capital outlay.

PROJECT OBJECTIVE(S):

This project will accomplish the following objectives:

- Survey and examine Florida charter school legislation in 2002 and its impact on existing charter schools and proposed charter school projects.
- Recommend policy changes to enhance charter school efficiency and overall student academic achievement.
- Examine and discuss policy decisions that have either enhanced or hindered the growth and success of charter schools.

METHODOLOGY:

The Education Committee staff will consult with the Choice Office of the Department of Education in order to first discern appropriate sources of information for this monitor project. Staff will then conduct a series of telephone and electronic interviews, make site visits as necessary, review reports and documents generated by DOE, OPPAGA, and other research groups, and meet with charter school operators and/or applicants.

INTERIM MONITOR PROJECT TITLE:

Implementation of the new federal option in P.L. 107-110, the "No Child Left Behind Act."

DATE DUE: N/A

PROJECT NUMBER: 2003-326

BACKGROUND and DESCRIPTION:

As a condition of receiving certain federal funds, the "No Child Left Behind Act," (P.L. 107-110) requires states to implement a statewide policy mandating that the following students attend a safe school:

- those who attend a “persistently dangerous” public elementary or secondary school, as determined by the state, in consultation with a representative sample of local education agencies (school districts); or
- those who become a victim of a violent criminal offense, as determined by state law, while in or on the grounds of a public elementary or secondary school.

The 2001 Florida Legislature enacted legislation that contains new provisions for school victimization policies. It is anticipated that further federal guidance will be developed for this new federal option.

PROJECT OBJECTIVE(S):

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

METHODOLOGY:

The methodology involves the review of relevant documents and discussions with personnel from the Florida and U.S. Departments of Education and the Department of Juvenile Justice, as well as others, including staff from the House of Representatives and the Senate Committee on Appropriations. Committee staff will also monitor meetings related to the development of administrative rules.

INTERIM MONITOR PROJECT TITLE:

Implementation of School Choice Options

DATE DUE: N/A

PROJECT NUMBER: 2003-327

BACKGROUND and DESCRIPTION:

The Legislature recently created two programs, the John McKay Scholarships for Students with Disabilities Program and the Corporate Tax Credit Scholarship Program. The 2001 Legislature amended s. 229.05371, F.S., to clarify procedures for the scholarships for students with disabilities program and created s. 220.187, F.S., the corporate tax credit scholarship program.

During the 2001-2002 school year, 4,897 Florida students with special needs received a scholarship to attend a private school under the McKay scholarship program. Approximately 340 private schools are participating in the program.

Currently, there are 5 eligible non-profit scholarship funding organizations available to provide scholarships to eligible students as a result of voluntary contributions from corporations.

PROJECT OBJECTIVE(S):

The purpose of monitoring these programs is to identify any particular issues that may emerge during implementation that could be addressed in subsequent legislation.

METHODOLOGY:

The methodology involves the review of relevant documents and discussions with personnel from the Florida Department of Education and the Department of Revenue, as well as others, including staff from the House of Representatives and the Senate Committee on Appropriations. Committee staff will also monitor meetings related to the development of administrative rules.

INTERIM MONITOR PROJECT TITLE:
Value Added Student Assessment

DATE DUE: N/A

PROJECT NUMBER: 2003-329

BACKGROUND and DESCRIPTION:

The A-plus plan for education reform mandated that school grades be assigned according to the actual learning gains of students from grade to grade, rather than a static “snapshot” of student attainment. The Department of Education has developed the methodology to measure the learning gains and to control for outside influences such as socioeconomic status. This methodology is called “value-added” because it measures the learning value added by the school experience, rather than other sources of enrichment. Questions remain about how to assure that the measures are used for school improvement. There are also questions about whether the data will be adequate to identify teachers whose students’ learning gains warrant a bonus required by the 2000 Legislature, to be awarded beginning in 2003.

PROJECT OBJECTIVE(S):

Monitor the progress of collecting and using value-added data to identify ways to make optimum use of this valuable resource for school improvement.

METHODOLOGY:

Meet with staff of OPPAGA, the Department of Education, and contractors who discuss policy decisions related to the data analysis. Monitor data produced by the initial value-added assessments. Review data from school districts as they identify teachers for bonuses required to be based on value-added student data.

Ethics and Elections

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Review of the 2002 Election Cycle

DATE DUE: February 1, 2003

PROJECT NUMBER: 2003-123

BACKGROUND and DESCRIPTION:

The Florida Election Reform Act of 2001 (Ch. 2001-40, Laws of Fla.) is a national model for election reform. The legislation completely overhauled the administration of elections in Florida in the wake of the 2000 U.S. Presidential recount --- mandating new voting technology, establishing new procedures and standards for manual recounts, creating new deadlines for certifying election returns, etc. The Act, however, remains largely untested. The 2002 elections will serve as the first major proving ground for the new law.

PROJECT OBJECTIVE(S):

The purpose of the project is to assess the efficacy of the reforms adopted in the Florida Election Reform Act, and to identify any specific issues that may need to be addressed in the upcoming legislative session.

METHODOLOGY:

Committee staff will meet with staff of the Division of Elections, the supervisors of elections, and interested parties to discuss any problems that arose in connection with the 2002 elections. Staff will review media reports and post-election reports of county canvassing boards, the supervisors of elections, and the Division of Elections to identify areas of concern. Finally, staff will draft a report: discussing the effectiveness or ineffectiveness of the 2001 reforms; and, identifying any additional measures for consideration by the 2003 Legislature.

MANDATORY REVIEWS

INTERIM MANDATORY REVIEW TITLE:

Zero-Based Budgeting (ZBB) Review – Department of State

DATE DUE: January 3, 2003

PROJECT NUMBER: 2003-215

BACKGROUND and DESCRIPTION:

The Legislative Budget Commission schedule for Zero-Based Budgeting (ZBB) provides that the Department of State is to undergo ZBB review during the 2002-2003 interim. The ZBB review, required under s. 216.1825, F.S., is a comprehensive analysis of agency programs, services, and activities. Program performance data, customer service, program quality, as well as revenues,

expenditures, program policy, and other important data and information are reviewed and compiled for legislative review and action.

PROJECT OBJECTIVE(S):

To work with staff of the Appropriations, Commerce, and Governmental Oversight and Productivity Committees, in addition to staff from the House of Representatives, on the comprehensive review of program and service information relating to the Department of State.

METHODOLOGY:

This project will be conducted jointly with staff of the House of Representatives. Process and analysis methodologies will be developed jointly with other substantive committees and appropriations subcommittees of both the House and the Senate with review and approval of the Legislative Budget Commission.

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Monitor Disabled Voter Accessibility Legislation Passed During the 2002 Session

DATE DUE: N/A

PROJECT NUMBER: 2003- 330

BACKGROUND and DESCRIPTION:

Committee Substitute for Senate Bill 1350 (2002), otherwise known as the Florida Disabled Voters Act, is targeted at providing greater ballot access and polling place access for voters with disabilities. The bill is a product of the work of the Secretary of State’s Voter Disabilities Task Force. The Act will be implemented in phases.

Beginning on November 30, 2002, all supervisors of elections must include sensitivity training as part of their poll worker education program, to assist poll workers in understanding and accommodating the special needs of disabled voters.

By July 1, 2004, all polling places must be accessible to disabled voters unless the Division of Elections grants a variance, which extends the accessibility deadline until the first primary in 2006. Each supervisor of elections must complete a survey of existing polling places by September 1, 2003, to assess compliance and accessibility.

Finally, one year after the Legislature specifically appropriates the funds:

- Each polling place will be required to have at least one “disability-friendly” voting machine in each precinct (which will require certification by the Division of Elections); and,
- All voting forms and ballots shall be made available in “disability-friendly” formats, contingent upon technical feasibility.

PROJECT OBJECTIVE(S):

The project will consist of monitoring all aspects of the implementation of the Florida Voter Disabilities Act on an ongoing basis.

METHODOLOGY:

Committee staff's role will change in each phase of the implementation. In the immediate term, staff will monitor pending federal legislation which may provide grant money to Florida to fund purchases of voting equipment for disabled voters. Should such legislation pass, staff will advise as to any statutory changes necessary to qualify for the federal funds. With regard to poll worker sensitivity training and polling place accessibility, staff will work closely with the supervisors of elections and the supervisor's association, and may survey individual supervisors as to their progress. Concerning the implementation of "disability-friendly" voting systems and forms/ballots, staff will monitor the Division of Elections' actions in certifying the systems for use and prescribing the forms.

INTERIM MONITOR PROJECT TITLE:

Monitor Executive Implementation of the Florida Election Reform Act of 2001

DATE DUE: N/A

PROJECT NUMBER: 2003- 331

BACKGROUND and DESCRIPTION:

The Florida Election Reform Act of 2001 (Ch. 2001-40, Laws of Fla.) is a national model for election reform. The Act, however, remains largely untested. The 2002 elections will serve as the first major proving ground for the new law. Much of the implementation of the Act is ongoing.

The Act grants the division major rulemaking authority in a number of areas, including:

- Voter intent (what markings constitute a valid vote)
- Uniform recount procedures
- Polling place procedures manual
- Uniform primary and general election ballots
- Statewide voter education standards
- Late registration for overseas and military voters
- Electronic transmission of overseas ballots

Many of the rules have yet to be finalized; initial drafts of others are not even available yet. Early drafts of several rules had to be withdrawn from consideration and re-written based on input from a variety of sources.

PROJECT OBJECTIVE(S):

The project will consist of monitoring all aspects of the division's rulemaking activities, and identifying any specific issues that may need to be addressed in the 2003 legislative session.

METHODOLOGY:

Committee staff will review the proposed rules published in the Florida Administrative Weekly and on the division's web site, and meet with division staff as necessary.

Finance and Taxation

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Implications of the Absence of a Use Tax on Utilities for Education Funding

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-124

BACKGROUND and DESCRIPTION:

Chapter 203, F.S., imposes a gross receipts tax on sellers of utility and communications services. Revenue generated by this tax is deposited in the Public Education Capital Outlay and Debt Service Trust Fund, and is used to pay debt service on outstanding bonds and secure new bond issues. The tax on communications services was substantially rewritten in 1999 as Communications Services Tax Simplification Law and is administered under ch. 202, F.S. The tax imposed on electric and natural gas utilities by ch. 203, F.S., does not include a tax on the in-state use of products purchased out of state.

As deregulation continues in the markets for utilities, the lack of a use tax creates an unfair situation for in-state providers of these services and jeopardizes the revenue base. In 1995, the Department of Revenue's Office of Research and Analysis estimated the absence of a gross receipts use tax reduced revenue from that source by \$27.8 million. This loss has undoubtedly increased since then, as markets have become more deregulated and increasing prices for electricity and natural gas have created a greater incentive to avoid taxation.

PROJECT OBJECTIVE(S):

This project will estimate the cost to the PECO Fund of the current situation with respect to gross receipts use tax, and draft legislation to address the problem.

METHODOLOGY:

Using Department of Revenue data on gross receipts tax collections and measures of electricity and natural gas usage, the magnitude of revenue lost because there is no use tax will be estimated. The possible impact of this loss on PECO bonds will be addressed. Historic trends in gross receipts tax revenue and other measures of economic activity will also be reviewed. Other states' treatment of out-of-state utility purchases will be surveyed, and recommendations of the Florida Energy 2020 study Commission will be considered, as well.

INTERIM PROJECT TITLE:

2003 Florida Tax Handbook

DATE DUE: March 1, 2003

PROJECT NUMBER: 2003-125

BACKGROUND and DESCRIPTION:

The Florida Tax Handbook is published annually by the Senate Finance and Taxation Committee, with assistance from the House Committee on Fiscal Policy and Resources, the Office of Economic and Demographic Research, and the Office of Research and Analysis of the Department of Revenue. The Handbook reviews Florida state finances, provides statutory and administering authority for all specific revenue sources, and provides a review of tax collections and dispositions. Base and rate information and a brief history are also provided. The Handbook presents current revenue estimates and provides a comprehensive and systematic look at the revenue potential of selected alternative tax sources. 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 objective of this project is to publish, prior to the 2003 Legislative Session, the 2003 Florida Tax Handbook.

METHODOLOGY:

Coordinate the publication of the 2003 Florida Tax Handbook by assigning tax sources to the staff of the Senate Finance and Taxation Committee, House Committee on Fiscal Policy and Resources, the Office of Economic and Demographic Research, and the Office of Research and Analysis of the Department of Revenue. Oversee changes, review document for accuracy, and prepare for printing. Data for the Handbook is derived from Fall Revenue Estimating Conferences. Specifically, general revenue data comes from the December General Revenue Estimating Conference and as a result, the Handbook cannot be published until just prior to the Regular Legislative Session.

INTERIM PROJECT TITLE:

Streamlined Sales Tax Project – Implementing Language

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-126

BACKGROUND and DESCRIPTION:

The Streamlined Sales Tax Project is an effort by state governments, with input from local governments and the private sector, to simplify and modernize sales and use tax collections and administration. The Project’s proposals will incorporate uniform definitions within tax bases, simplified audit and administrative procedures, and emerging technologies to substantially reduce the burdens of tax collection. The goal of the Streamlined Sales Tax Project is to design and implement a simplified sales tax collection system that can be used by traditional brick-and-mortar vendors and vendors involved in e-commerce. In 2001, the Florida Legislature passed HB 21, which among other things, created the Simplified Sales and Use Tax Administration Act (“Act”), authorizing Florida to participate in the next phase of discussions with other states for the purposes of developing the Project. There are 39 states involved in the project. The adoption of the “Act” is the first step towards adoption of the “Streamlined Sales and Use Tax Agreement” in Florida, which will provide retailers with a greatly simplified system of sales tax collection. Florida has until July 1, 2003, to adopt the necessary provisions to comply with the Agreement.

PROJECT OBJECTIVE(S):

To work with the Department of Revenue in drafting legislation to implement the provisions of the Streamlined Sales and Use Tax Agreement.

METHODOLOGY:

1) Participate in national Streamlined Sales Tax Project meetings; and 2) Develop a work group with the Department of Revenue to draft implementing legislation.

INTERIM PROJECT TITLE:

Staffing and Support for Joint Legislative Committee on Article V (with Judiciary, Criminal Justice, and Appropriations Committees)

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-127

BACKGROUND and DESCRIPTION:

Amendment seven to the State Constitution, adopted by the voters in November of 1998, provides that the State will assume the costs of the State Court System except for certain costs specifically allocated to the counties by the Constitution. This amendment calls for implementation to begin in FY 1999/2000 and to be completed by July 1, 2004. The implementation is to be carried out in accordance with a schedule to be developed by the Legislature.

Implementation of the changes to Article V requires a number of major policy decisions. These include:

- a) Determining what activities of the courts, state attorneys and public defenders are to be paid by the state;
- b) Defining those costs of the court system the counties are obligated to pay;
- c) Determining what constitutes a local requirement of the court which should be paid by the counties;
- d) Defining court related functions of the clerk; and
- e) Determining what are adequate and appropriate filing fees, service charges and costs to be imposed by the legislature to fund the court related functions of the clerks.

In addition to the policy decisions, to implement amendment seven the state and local governments must develop uniform and reliable expenditure and revenue data with reporting mechanisms that ensure sound decision-making in the appropriations process. The legislature will also need to develop cost control mechanisms to address the long-term costs of the state court system along with a way to fund current costs and increases in those costs over time.

In 2000 Senate President Jennings and House Speaker Thrasher established the Task Force on State Court Funding/Article V, to formulate recommendations on implementation of the amendment. The task force recommended an implementation schedule and definitions for the basic judicial system as well as definitions for those items the Constitution requires the counties to fund. The proposed schedule for review of the court system and definitions of court functions and county responsibilities were approved by the Legislature in SB 1212, Chapter 2000-237, Laws of Florida.

PROJECT OBJECTIVE(S):

This interim project is a joint project with the Judiciary, Criminal Justice, Appropriations and Finance and Taxation Committees. The project will continue the review of the court system moving the state toward implementation of the 1998 revisions to Article V of the State Constitution by July 1, 2004. The objective of the Finance and Taxation Committee staff is to assist in determining what are adequate

and appropriate filing fees, service charges and costs to be imposed by the legislature to fund the court related functions of the clerks.

METHODOLOGY:

Committee staff will assist with the work of the Joint Legislative Committee on Article V in the determination of how to fund current court costs and increases over time.

INTERIM PROJECT TITLE:

Implementation of HJR 833, Relating to Tax Reform

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-128

BACKGROUND and DESCRIPTION:

The 2002 Legislature adopted HJR 833 which amends Section 3 of Article VII of the State Constitution, creating a joint legislative committee to conduct a review of all sales and use tax exemptions and all exclusions of sales of services from the sales and use tax. The joint committee consists of six Senators appointed by the President of the Senate and six Representatives appointed by the Speaker of the House. The committee may decide to repeal or eliminate an exemption or exclusion from the sales and use tax by a vote of seven members of the committee. The HJR requires the committee's recommendations to repeal or eliminate any exemption or exclusion to be presented to the legislature in the form of a resolution prior to the 2004, 2005, and 2006 Legislative sessions. The HJR allows the Legislature to rescind the decision to repeal or eliminate an exemption or exclusion by a simple majority vote of both chambers. The constitutional amendment will go before the voters in the November 5, 2002, general election.

No later than the end of the next regular legislative session in May 2003, the Legislature must agree on joint rules to govern this committee. These rules must establish a schedule for review of such exemptions and exclusions and provide criteria to be considered by the committee in conducting its review. Over the next three years, the committee must review all exemptions and exclusions from the sales and use tax. The committee must submit its findings and recommendations, including decisions to repeal or eliminate exemptions and exclusions, to the presiding officers of each house of the Legislature no later than March 1 of 2004, 2005, and 2006.

PROJECT OBJECTIVE(S):

The objective of this interim project is to develop an implementation plan for the joint legislative committee for the review of all sales and use tax exemptions and exclusions of sales of services from taxation. Implementation shall consist of joint rules outlining the three-year review schedule of such exemptions and exclusions as well as the development of criteria to be utilized by the joint committee in their systematic review.

METHODOLOGY:

Work with staff of the House Committee on Fiscal Policy and Resources to draft implementing legislation for the 2003 Legislative Session.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

(None)

Governmental Oversight and Productivity

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Expanding Choices and Improving the Financial Structure of State Employee Health Insurance

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-129

BACKGROUND and DESCRIPTION:

The committee completed a staff report on the nature of policy and financial difficulties affecting the provision of health insurance for state employees. A sustained decline in the number of new hires, coupled with an aging workforce, are putting increasing pressures on a premium structure which is already in negative cash flow. These experiences are not new to employers generally, even ones as large as the State of Florida, but they make it all the more imperative that action take place before the FY 2004 operating deficit of more than \$200 million arrives. Last year the Legislature also had the benefit of receiving a report from OPPAGA and two other consultants on the options and legal considerations associated with some of the choices. With these products now in hand the stage is set for a fuller review of the options available for consideration, their cost implications, and the means for addressing these issues.

PROJECT OBJECTIVE(S):

The project will attempt to define a set of choices that produce financial stability for the fund and generational equity for the multiple family and individual demographics that are present in the plan. All of these issues must be approached with some degree of sensitivity for the employees and families affected and for the scale and proximity of the looming deficit.

METHODOLOGY:

Staff will review the studies completed to date and solicit input from employers, providers, and employees themselves on the types of choices that make the most sense to them.

INTERIM PROJECT TITLE:

Implementation of the New Funding Structure of the Florida Retirement System

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-130

BACKGROUND and DESCRIPTION:

The 2000 Legislature enacted the most sweeping changes to the Florida Retirement System (FRS) since its creation in 1968. Beginning March 1, 2002, the more than 600,000 active members of the FRS will be permitted to choose between the traditional benefit plan which guarantees a final benefit as a percentage of salary or an investment plan in which they will self-direct their employers' pension contributions. The 2002 Legislature modified the implementing statute, Part II of ch. 121, F.S., to bring

it into compliance with federal tax law and to clearly assign accountability to the two state agencies responsible for it.

The 2002 Legislature also developed a modified rate structure for the FRS in light of the transition to the new investment plan. The new, blended rate structure anticipates the change in employer contributions resulting from the phased transfer of some 150,000 employees from one plan to another.

PROJECT OBJECTIVE(S):

The project will review the transition and describe the demographics of the employees and employer groups experiencing the largest transfer and retention. It will also review the adequacy of the blended rate structure and develop a funding policy for the subsequent fiscal year.

METHODOLOGY:

Staff will solicit descriptive information from the Division of Retirement and the State Board of Administration along with the annual actuarial review performed by the consulting actuaries to the FRS.

INTERIM PROJECT TITLE:

Review of Sovereign Immunity in Florida

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-131

BACKGROUND and DESCRIPTION:

The doctrine of sovereign immunity prohibits suits against the government without the government's consent; however, Article X, section 13 of the State Constitution provides that the state may waive its sovereign immunity through an enactment of general law. In 1973, the Florida Legislature enacted 2. 768.28, F.S., which provides for a limited waiver of governmental sovereign immunity. Under the section, individuals are permitted to sue state agencies, the Legislature, the judicial branch, independent establishments of the state, counties, municipalities, and instrumentalities of the state, counties, or municipalities, including the Spaceport Florida Authority. Recovery under the statute is limited to \$100,000 per person, and \$200,000 per incident. Amounts in excess of these limits may only be collected upon passage of a claim bill by the Legislature.

Throughout the statutes, sovereign immunity has been granted in various forms to private, non-profit entities that perform services for the state. See, for example, section 409.1755, 624.91, and 946.5026, F.S. (providing absolute or limited immunity to specified private, non-private corporations).

PROJECT OBJECTIVE(S):

This project will set forth an overview of the history and operation of sovereign immunity Florida, will enumerate the private entities that have statutorily been accorded immunity and discuss the policy underlying these grants of immunity, and will consider the impact of sovereign immunity on future governmental contracting.

METHODOLOGY:

Staff will review law review articles, legislative histories, case law, and Florida statutes relating to sovereign immunity, as well as meet with those entities that have immunity and see how it has been used.

INTERIM PROJECT TITLE:

Fee Equity - Examining the Fairness of Florida's Regulatory Fee Structure (with RI Committee)

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003- 132

BACKGROUND and DESCRIPTION:

Fees charged for services and for regulation of businesses and professions are set in statute either as a flat fee, a fee cap, or authorization is given to an agency or board to charge a fee to "cover the cost of such service." The majority of fees are "capped" and whenever an agency or board wishes to increase a fee beyond the cap in order to cover increased costs of regulation, they must propose legislation. Many fees charged are inadequate to cover the "true" cost of regulation and agency budgets must be supplemented with General Revenue to cover these additional costs. During the 2002 Legislative Session, SB 692, Fee Equity Measures, was filed to provide a process for the annual approval of service or regulatory oversight fees charged by state agencies in an amount to cover, as much as possible, the "true" costs of such service or regulation. The Senate Finance and Taxation Committee discussed the provisions of SB 692 during the interim, but the bill was never heard by a committee during the regular session.

PROJECT OBJECTIVE(S):

Senate Bill 692 was a first attempt to provide a process by which state agencies could review the costs of providing services and regulatory oversight and propose increases in their fee structures to reflect the "true" costs of providing such services or regulation. The objective of this interim project is to examine, in more detail, the fairness of Florida's fee structure and improve on the provisions provided in SB 692.

METHODOLOGY:

Develop a work group consisting of interested state agencies to discuss the provisions of SB 692 and ways to improve on the process of making Florida's fee structure more equitable and reflective of the true costs of providing services and oversight and coordinate this effort with other Senate committees.

MANDATORY REVIEWS

INTERIM MANDATORY REVIEW TITLE:

Open Government Sunset Review of s. 110.1091, F.S.

DATE DUE: December 1, 2002

PROJECT NUMBER: 2003-216

BACKGROUND and DESCRIPTION:

Section 110.1091, F.S., makes confidential all information made a part of an employee assistance program. Section 119.15, F.S., provides a five-year review cycle for such exemptions with the mandatory repeal of this section scheduled for October 2003.

PROJECT OBJECTIVE(S):

To determine if the exemption established in s. 110.1091, F.S., meets the criteria established in the Open Government Sunset Review Act for continuation and reenactment.

METHODOLOGY:

Review the information made exempt under the Open Government Sunset Review Act, as interpreted by case law.

INTERIM MANDATORY REVIEW TITLE:

Open Government Sunset Review of s. 119.07(3)(cc), F.S.

DATE DUE: December 1, 2002

PROJECT NUMBER: 2003-217

BACKGROUND and DESCRIPTION:

Section 119.15, F.S., the Open Government Sunset Review Act, provides for the automatic repeal of an exemption 5 years after the enactment of an exemption unless it is reviewed and reenacted by the Legislature. The act establishes the standards by which an exemption is to be reviewed. Section 119.07(3)(cc), F.S., makes confidential and exempt medical history records, bank account numbers, credit card numbers, telephone numbers, and information related to health or property insurance furnished by an individual to any agency pursuant to federal, state, or local housing assistance programs.

PROJECT OBJECTIVE(S):

To determine if the exemption established in s. 119.07(3)(cc), F.S., meets the criteria established in the Open Government Sunset Review Act and recommend whether the exemption should be reenacted.

METHODOLOGY:

Review the information made exempt under the standards provided in the Open Government Sunset Review Act, as interpreted by case law.

INTERIM MANDATORY REVIEW TITLE:

Zero-Based Budgeting for the Department of State

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-218

BACKGROUND and DESCRIPTION:

Florida law provides a schedule for the implementation of Zero-Based Budgeting for state agencies to be developed by the Legislative Budget Commission. The Department of State is among the agencies scheduled for the next cycle.

PROJECT OBJECTIVE(S):

The project will review the operations of the department in the context of the zero-based statute.

METHODOLOGY:

Because the department's operations are allocated among three different legislative committees (Commerce and Economic Opportunities, Ethics and Elections, and Governmental Oversight and Productivity) combined staff coordination with the Appropriations Committee will be a necessity.

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Implementation of Public Employees Optional Retirement Program

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-

BACKGROUND and DESCRIPTION:

The 2000 Legislature enacted an alternative pension plan choice for individuals in the Florida Retirement System who wish to self-direct and manage their own retirement funds. That plan became operational in March 2002 and initial employee selection will begin effective June 2002 for state employees and at subsequent intervals for other government employers.

PROJECT OBJECTIVE(S):

The monitor project will review how employees are choosing and compare that with the expectations originally established. It will also analyze the effect on specific employer groups in the multi-employer plan and any policy or contribution rate changes that may be required.

METHODOLOGY:

The State Board of Administration and the Department of Management Services maintain a large information resource on the choice plan that will facilitate information gathering.

INTERIM MONITOR PROJECT TITLE:

Implementation of Public Procurement Program

DATE DUE: N/A

PROJECT NUMBER: 2003-333

BACKGROUND and DESCRIPTION:

Part I of ch. 287, F.S., sets forth procurement requirements for the approximately \$6 billion spent annually by state agencies for commodities and contractual services. This chapter includes provisions that specify the competitive procurement methods that must be utilized by agencies, authorize the implementation of an online procurement system, specify the types of state contracting preferences that may be granted, and prohibit vendors found to have violated specified laws from contracting with the state.

During the 2001-2002 interim, the Governmental Oversight and Productivity Committee completed an interim report that reviewed ch. 287, F.S., with a particular focus on the two new methods of procurement, i.e., requests for quotes (RFQs) and invitations to negotiate (ITNs), that were added by the 2001 Legislature. The report recommended numerous amendments to the chapter, including

amendments to the new statutes governing RFQs and ITNs. These recommendations were the basis for HB 1977 that was passed by the 2002 Legislature.

HB 1977's major modifications to ch. 287, F.S., included: (1) setting new requirements and accountability measures for agency use of invitations to negotiate; (2) limiting agency use of requests for quotes; (3) permitting electronic noticing of agency procurement decisions; (4) changing the amount of the bond that must be filed by protestors to agency procurement decisions; (5) enhancing the requirements applicable to single source and emergency purchases; (6) permitting "eligible users" as defined by Department of Management Services' rule to participate in state term contracts and in the online procurement system; and (7) clarifying that information technology must be purchased in the same competitive manner as a commodity.

PROJECT OBJECTIVE(S):

The project will monitor the implementation of HB 1977's changes, and will determine the need for any further technical or policy modifications to state agency procurement law. Additionally, the project will monitor the implementation of the online procurement system and will review the effectiveness and sufficiency of the laws which proscribe vendors found to have violated certain laws from contracting with the state.

METHODOLOGY:

Staff will meet with state agency procurement offices, the Auditor General's Office, and the Comptroller's Office, and will conduct legal research.

INTERIM MONITOR PROJECT TITLE:

Overview of Investment Operations of the State Board of Administration

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-334

BACKGROUND and DESCRIPTION:

The bankruptcy of the nation's largest energy trader brought with it a \$335 million loss exposure by the Florida Retirement System Trust Fund. In the intervening months since the filing the Board has retained counsel to pursue its remedies both as a member of the class of claimants as well as of the related roles of Arthur Andersen and Alliance Capital Management. The committee held a meeting on this subject during the Regular Session and since that time there have been almost daily changes to the corporate and financial recognition of all the affected firms. Additionally, the Attorney General has issued RICO subpoenas to conduct a separate review of how these losses were sustained.

PROJECT OBJECTIVE(S):

The project will attempt to review the organization description of how the Board undertakes its investment operations and monitor the progress of the state agencies involved in securing some indemnification for the incurred losses. It will also attempt to identify the best methods to insulate the pension fund from unwarranted risk and speculative investing.

METHODOLOGY:

Staff will solicit testimony and documents from all of the parties involved in the investigation of these matters that themselves are in the public domain.

INTERIM MONITOR PROJECT TITLE:

Implementation of Public Employment Reform

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-335

BACKGROUND and DESCRIPTION:

In 2001, CS/SB 466 was enacted into law. This bill was the most comprehensive reform of state-level public employment in more than a decade, and its changes included: (1) creating a voucher program for state employee educational benefits; (2) requiring agencies to develop plans for annually awarding employee bonuses from funds appropriated by the Legislature; (3) implementing a newly designed civil service classification and compensation program; (4) extending the probationary period for new hires; (5) prohibiting bumping procedures during layoffs; (6) limiting the Public Employees Relations Commission's review of appeals from career service suspensions, reductions in pay, demotions, or dismissals; (7) increasing the permissible number of Senior Management Service and Selected Exempt Service (SES) employees; (8) transferring more than 16,000 career service employees to the SES; (9) eliminating the appointment of a special master for collective bargaining impasses; and (10) creating the Career Service Advisory Group.

PROJECT OBJECTIVE(S):

The project will monitor the continued implementation of CS/SB 466's reforms, and will determine the need for any future technical or policy modifications.

METHODOLOGY:

Staff will meet with agency personnel responsible for implementing the bill's changes, and will review implementation progress.

INTERIM MONITOR PROJECT TITLE:

Operation of State Technology Office

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-336

BACKGROUND and DESCRIPTION:

Operation of the state's technology infrastructure has been centralized in a separate State Technology Office for the past two years. That office has been dealing with leadership changes and has also been the subject of a critical operational review conducted by the Department of Banking and Finance.

PROJECT OBJECTIVE(S):

Review the operations of the office and any remedial actions required to address its reported findings and recommendations for direction and mission execution.

METHODOLOGY:

Review the final audit report scheduled for mid-summer and implementation of corrective action plans.

Health, Aging and Long-Term Care

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Review Florida Kidcare Program Administration

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-133

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 are: Medicaid for children; the Medikids program; Florida Healthy Kids; and the Children's Medical Services (CMS) Network.

As part of Kidcare implementation, the state agencies administering the program developed a simplified application form which can be mailed in and quickly processed. Parents generally see the new application form as straightforward and easy to complete - a major improvement over other public programs. A major plus in the program is that parents can apply by mail without having to go for a lengthy financial interview by the Department of Children and Family Services.

However, Florida's Kidcare program has a complex administrative structure. The financial eligibility requirements which differentiate whether an applicant ends up in Healthy Kids, Medikids, or Medicaid vary depending on age. The intake system for each of the components has different administrative requirements, and the component programs have differing levels of enrollment availability. In addition, since components have different service delivery models, a participant may be mandated to join an HMO, or may be allowed to choose between an HMO or a fee-for-service delivery system. If the applicant is a child with special health care needs, he or she will enter an entirely different service delivery system through the CMS Network. Depending on the component in which an individual is enrolled, the family may be charged a premium, and may pay some deductibles.

PROJECT OBJECTIVE(S):

This interim project will review administration of the Kidcare program to determine if improvements can be made to increase access to health care coverage for children, decrease gaps in coverage, and improve administrative efficiency. Emphasis will be on a review of the Kidcare eligibility system to determine if a single eligibility determination system would benefit the state and participants.

METHODOLOGY:

Staff will review the operations and performance of Kidcare eligibility determination and other functions; interview staff of state agencies administering Kidcare, health care providers, managed care organizations and other interested stakeholders; review recent changes in Federal policies and regulations; as well as review the recommendations of evaluations and reviews of Kidcare operations.

MANDATORY REVIEWS

INTERIM MANDATORY REVIEW TITLE:

Open Government Sunset Review of the Public Records Exemption for Notification of Adverse Incidents by Hospitals and Ambulatory Surgical Centers (s. 395.0198, F.S.)

DATE DUE: December 1, 2002

PROJECT NUMBER: 2003-219

BACKGROUND and DESCRIPTION:

Section 395.0198, F.S., provides an exemption from the disclosure requirements of ch. 119, F.S., relating to public records and s. 24(a) and (b), Art. I of the State Constitution for information concerning the notification of an adverse incident that a licensed hospital, ambulatory surgical center, or mobile surgical facility must report to the Agency for Health Care Administration within one business day after the facility determines that the event occurred. The exemption is scheduled for repeal on October 2, 2003, unless it is reviewed and saved from repeal by the Legislature. Section 119.15(2), F.S., provides that an exemption is to be maintained only if: the exempted record or meeting is of a sensitive, personal nature concerning individuals; the exemption is necessary for the effective and efficient administration of a governmental program; or the exemption affects confidential information concerning an entity.

PROJECT OBJECTIVE(S):

To determine if the exemption from the Public Records Law contained in s. 395.0198, F.S., should be continued or modified under the criteria specified in the Open Government Sunset Review Act of 1995.

METHODOLOGY:

Staff will review the provisions and applicable law according to the criteria specified in the Open Government Sunset Review Act of 1995. Staff will seek input from the Agency for Health Care Administration, hospitals, ambulatory surgical centers, mobile surgical facilities, professional associations, and other interested stakeholders to determine if any aspects of s. 395.0198, F.S., should be revised and saved from repeal through reenactment.

INTERIM MANDATORY REVIEW TITLE:

Open Government Sunset Review of Public Records and Meetings Exemptions of the Statewide Provider and Subscriber Assistance Program Panel (s. 408.7056, F.S.)

DATE DUE: December 1, 2002

PROJECT NUMBER: 2003-220

BACKGROUND and DESCRIPTION:

Section 408.7056, F.S., requires the Agency for Health Care Administration to implement the Statewide Provider and Subscriber Assistance Program to assist consumers of managed care entities with grievances that have not been satisfactorily resolved through the managed care entity's internal grievance process. A panel under the program hears grievances about disputes between a subscriber or a provider on behalf of a subscriber and a managed care entity. Following its review, the panel must make a recommendation to the Agency for Health Care Administration or the Department of Insurance. The

recommendation may include specific actions the managed care entity must take to comply with state laws or rules regarding such entities. The agency or department may adopt all or some of the panel's recommendations and may impose administrative sanctions on the managed care entity.

Section 408.7056(15), F.S., makes information that identifies a managed care entity's subscriber or the spouse, relative or guardian of a subscriber in a document, report, or record prepared or reviewed by the Statewide Provider and Subscriber Assistance Program panel or obtained by the Agency for Health Care Administration confidential and exempt from the Public Records Law. Section 408.7056(15), F.S., also provides that the meetings of the panel must be open to the public unless the provider or subscriber whose grievance will be heard requests a closed meeting or the Agency for Health Care Administration or the Department of Insurance determines that information of a sensitive personal nature that discloses a subscriber's medical treatment or history; information that constitutes a trade secret; or information relating to internal risk management programs of a managed care entity may be revealed. That portion of the meeting during which such sensitive personal information, trade secret information, or internal risk management program information is discussed must be closed to the public and is exempt from the Public Meetings Law.

PROJECT OBJECTIVE(S):

To determine if the provisions of s. 480.7056(15), F.S., making specified records and meetings relating to the Statewide Provider and Subscriber Assistance Program panel, the Agency for Health Care Administration, or the Department of Insurance, exempt from the Public Records and Public Meetings Laws should be continued or modified pursuant to the criteria specified in the Open Government Sunset Review Act of 1995.

METHODOLOGY:

Staff will review the provision and applicable law pursuant to the criteria specified in the Open Government Sunset Review Act of 1995. Staff will seek input from the Agency for Health Care Administration, Department of Insurance and other interested stakeholders to determine if any aspects of s. 408.7056(15), F.S., should be revised and saved from repeal through reenactment.

INTERIM MANDATORY REVIEW TITLE:

Open Government Sunset Review of the Public Records Exemption of Application Information for the Florida Kidcare Program (s. 409.821, F.S.)

DATE DUE: December 1, 2002

PROJECT NUMBER: 2003-221

BACKGROUND and DESCRIPTION:

Section 409.821, F.S., provides an exemption from the disclosure requirements of ch. 119, F.S., relating to public records and s. 24(a) and (b), Art. I of the State Constitution for certain information contained in an application for determination of eligibility for the Florida Kidcare program, and any information obtained through quality assurance activities and patient satisfaction surveys obtained by the Florida Kidcare program. The exemption is scheduled for repeal on October 2, 2003, unless it is reviewed and saved from repeal by the Legislature. Section 119.15(2), F.S., provides that an exemption is to be maintained only if: the exempted record or meeting is of a sensitive, personal nature concerning individuals; the exemption is necessary for the effective and efficient administration of a governmental program; or the exemption affects confidential information concerning an entity.

PROJECT OBJECTIVE(S):

To determine if the exemption from the Public Records Law contained in s. 409.821, F.S., should be continued or modified under the criteria specified in the Open Government Sunset Review Act of 1995.

METHODOLOGY:

Staff will review the provisions and applicable law according to the criteria specified in the Open Government Sunset Review Act of 1995. Staff will seek input from the state agencies which are responsible for operation of the Kidcare program and other interested stakeholders to determine if any aspects of s. 409.820, F.S., should be revised and saved from repeal through reenactment.

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Monitor the Department of Health's Activities in Response to the Threat of Bioterrorism

DATE DUE: N/A

PROJECT NUMBER: 2003-337

BACKGROUND and DESCRIPTION:

This project would monitor the activities of the Department of Health in response to bioterrorism and its application for funding from the federal government and other sources. The Department of Health has created the Office of Public Health Preparedness in support of the State's domestic security strategy under the regional domestic security task forces. The project would also monitor the implementation of CS/SB 1262 (2002) as passed by the Legislature revising the Department of Health's authority to respond to bioterrorism.

PROJECT OBJECTIVE(S):

The purpose of monitoring the Department of Health's activities in response to bioterrorism is to keep the Senate informed about the preparedness of the State to respond to incidents of bioterrorism and any proposed changes to law that may become necessary.

METHODOLOGY:

Staff will attend meetings and communicate with the Office of Public Health Preparedness regarding its implementation of activities in response to bioterrorism. A report will be provided to the committee during the interim period. Staff will report any relevant findings and recommendations of the department.

INTERIM MONITOR PROJECT TITLE:

Monitor Implementation of CS/SB 1276, Access to Health Care

DATE DUE: N/A

PROJECT NUMBER: 2003-338

BACKGROUND and DESCRIPTION:

The Committee Substitute for Senate Bill 1276 created the Florida Health and Human Services Access Act and made substantial changes in the operations of and coordination between a number of programs in Florida's health care and human services delivery system. The bill contained provisions for:

- Development of a statewide information and referral system using the 211 telephone number;
- Development of a simplified eligibility determination process linked to information and referral services;
- Establishment of a pilot project to be conducted by the Agency for Health Care Administration to determine the feasibility of integrating state-funded health care benefit eligibility determination with information and referral services;
- Establishment of coordinated care management for families and individuals with multiple needs;
- Establishment of a model integrated long-term care system;
- Establishment of the Office of Long-Term Care Policy;
- Establishment of the Consumer Directed Care Program;
- Development of a plan to reduce nursing home bed days under Medicaid;
- Changes to the nursing home certificate-of-need system;
- Establishment of the CARES nursing home pre-admission screening program and criteria for nursing home admission;
- Establishment of the Nursing Home Transition Program;
- Adoption of model long-term care insurance regulatory standards; and
- Changes in the Long-Term Care Ombudsman Program.

PROJECT OBJECTIVE(S):

This project will monitor implementation by the executive agencies of the changes required by CS/SB 1276. The bill requires activities by the Departments of Elderly Affairs, Insurance, and Children and Family Services and the Agency for Health Care Administration.

METHODOLOGY:

Committee staff will hold meetings with executive agencies and provider groups involved in implementation of CS/SB 1276, attend public meetings and rule workshops, and review agency data regarding provisions contained in the bill.

Judiciary

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Staffing and Support for Joint Legislative Committee on Article V

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-134

BACKGROUND and DESCRIPTION:

Amendment seven to the State Constitution, adopted by the voters in November of 1998, provides that the State will assume the costs of the State Court System except for certain costs specifically allocated to the counties by the Constitution. This amendment calls for implementation to begin in FY 1999/2000 and to be completed by July 1, 2004. The implementation is to be carried out in accordance with a schedule to be developed by the Legislature.

Implementation of the changes to Article V requires a number of major policy decisions. These include:

- a) Determining what activities of the courts, state attorneys and public defenders are to be paid by the state;
- b) Defining those costs of the court system the counties are obligated to pay;
- c) Determining what constitutes a local requirement of the court which should be paid by the counties;
- d) Defining court related functions of the clerk; and
- e) Determining what are adequate and appropriate filing fees, service charges and costs to be imposed by the legislature to fund the court related functions of the clerks.

In addition to the policy decisions, to implement amendment seven the state and local governments must develop uniform and reliable expenditure and revenue data with reporting mechanisms that ensure sound decision-making in the appropriations process. The legislature will also need to develop cost control mechanisms to address the long-term costs of the state court system along with a way to fund current costs and increases in those costs over time.

In 2000 Senate President Jennings and House Speaker Thrasher established the Task Force on State Court Funding/Article V, to formulate recommendations on implementation of the amendment. The task force recommended an implementation schedule and definitions for the basic judicial system as well as definitions for those items the Constitution requires the counties to fund. The proposed schedule for review of the court system and definitions of court functions and county responsibilities were approved by the Legislature in SB 1212, Chapter 2000-237, Laws of Florida.

PROJECT OBJECTIVE(S):

This interim project will continue the review of the court system moving the state toward implementation of the 1998 revisions seven to Article V of the State Constitution by July 1, 2004.

METHODOLOGY:

Committee staff will assist with the work of the Joint Legislative Committee on Article V including assisting in the management and review of a consultant contract. Additionally, staff will perform various research and data compilation projects to facilitate the legislative review of specific issues.

INTERIM PROJECT TITLE:

Study Committee on Public Records to Examine Court Records and Official Records Retained by the Clerks of the Court

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-135

BACKGROUND and DESCRIPTION:

In recent years, legislative, executive and judicial branch initiatives have actively sought to maximize the benefits of advanced technologies by encouraging and promoting electronic access, electronic filing and other electronic activities to facilitate the maintenance and access to records. In relation to court files and official records maintained by the clerks of the court, these advanced technologies have improved governmental operations through cost-saving measures, streamlined activities, and improved flow and accessibility to information in public records. However, increased access and dissemination via the Internet has underscored the fact that there is a huge repository of personal, sensitive and identifying information contained in the public records, court files and official records maintained by the clerks of the court, and related agency records. That information is being used and manipulated in various and unexpected ways beyond the legitimate or original purpose intended. Consequently, there is concern and general acknowledgement that Florida's existing laws, policies and practices governing public records maintained by the clerks of the court and access to the information contained in those records need to be re-examined in depth and an appropriate balance struck between the right of public access and the right of privacy. Senate Bill 668 created a 22-member Committee on Public Records which is directed to conduct a study of the public records contained in court files and the official records which are maintained by the clerks of the court.

PROJECT OBJECTIVE(S):

To assist the Committee in its review of the public records law and privacy law as applied to court files, and official records maintained by the clerks of the court.

METHODOLOGY:

Legislative staff is to provide research and data assistance to the committee in conducting this study as it holds public meetings and finalizes its legislative report due January 1, 2003.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

(None)

Natural Resources

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Review of Progress in Implementing the Total Maximum Daily Load (Water Quality Improvement) Program by the Department of Environmental Protection

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-136

BACKGROUND and DESCRIPTION:

Section 403.067, F.S., provides for the establishment and implementation of total maximum daily loads (TMDL) for surface waters and segments. Created in 1999, this law has experienced impediments in its implementation involving rule challenges and insufficient financial resources. The administrative law judge's recommended order for the pending rule challenge to the agency rule that establishes how impaired water bodies are identified is expected to be issued during the interim and may have a significant bearing on how the program is administered. The interim project will review the requirements of this law and the Department of Environmental Protection's implementation plans. A determination will be made on whether additional legislative direction and additional funding are needed for this important program.

PROJECT OBJECTIVE(S):

To review the requirements and progress in implementing the 1999 law and funding requirements.

METHODOLOGY:

Committee staff will meet with program officials at the Department of Environmental Protection and other agencies with statutory TMDL responsibilities to review and discuss the progress in implementing the 1999 law and identify the funding needs for this program short-term and long-term. Also, discussions will be held with private organizations and local government organizations to determine their concerns about how the program is being implemented and its potential impacts on public and private entities. A questionnaire will be developed to solicit information for review and analysis.

MANDATORY REVIEWS

INTERIM MANDATORY REVIEW TITLE:

Zero-Based Budgeting (ZBB) Review – Department of Environmental Protection

DATE DUE: January 3, 2003

PROJECT NUMBER: 2003-222

BACKGROUND and DESCRIPTION:

The Zero-Based Budgeting review, required by s. 216.1825, F.S., is an extensive, comprehensive analysis of agency programs, services and activities performed by legislative staff under the direction of designated members of the Legislative Budget Commission. Program performance data, customer

service, program quality, as well as revenues, expenditures, program policy, and other important data and information are reviewed and compiled for legislative review and action. Senate and House Appropriations Committee staffs and substantive committee staffs work together in conducting these reviews.

PROJECT OBJECTIVE(S):

To conduct an in-depth review of the budget of the Department of Environmental Protection to determine whether these services are still needed and if services could be delivered more efficiently and effectively.

METHODOLOGY:

To meet jointly with Senate and House substantive committees and appropriations committee staff to review materials prepared by the agency in response to budget instructions issued on July 1, 2002. Conduct reviews of statutory authority for budgeted programs and help develop recommendations for the Legislative Budget Commission.

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Monitor the Activities of the Florida Fish and Wildlife Conservation Commission relating to Lake Restoration

DATE DUE: N/A

PROJECT NUMBER: 2003-339

BACKGROUND and DESCRIPTION:

In 1999, the Fish and Wildlife Conservation Commission established the Lake Restoration 2020 Program to help restore lakes' water quality and improve fishery habitats. The program identified priority water bodies and the Legislature provided a dedicated funding source for the program.

This monitor project will review the progress by the Commission in implementing this restoration program and determine if any additional legislative authorization is needed.

PROJECT OBJECTIVE(S):

To review progress by the Commission in using funds specifically provided for the Lake Restoration 2020 Program.

METHODOLOGY:

To meet with Commission staff who administer the lake restoration program and discuss their work plan and priority lists for lake restoration activities. Review the processes used for lake restorations by the Commission and identify other similar state funded programs for lake restoration and determine if these activities can be conducted more efficiently and effectively.

INTERIM MONITOR PROJECT TITLE:

Monitor the Review of the Scheduled Repeal of Provisions in s. 373.4145, F.S., relating to Permitting in Wetland Areas in the Northwest Florida Water Management District

DATE DUE: N/A

PROJECT NUMBER: 2003-340

BACKGROUND and DESCRIPTION:

In conjunction with reorganization of the Department of Natural Resources and the Department of Environmental Regulation in 1994, permitting responsibilities in wetland areas were also reorganized between the water management districts and the new Department of Environmental Protection. Because of inadequate funding for these activities in the Northwest Florida Water Management District, s. 373.4145, F.S., was created to provide for these activities on a limited basis until July 1, 2003, at which time certain provisions would be repealed.

Unless the repeal is extended, which would continue the discrepancy of administering wetland protection laws in the Northwest Florida Water Management District, there are several significant policy changes that would need to be addressed with the scheduled repeal of these provisions (i.e., the application of the Bert Harris Private Property Rights Act to the new rules that would need to be developed for this area, and the grandfathering of certain vested rights determinations relating to old large scale land developments in this area).

PROJECT OBJECTIVE(S):

To review activities by the Department of Environmental Protection and the Northwest Florida Water Management District in preparing a report and recommendations to the Legislature for the 2003 Legislative Session.

METHODOLOGY:

Meet with officials at the department and the water management district to determine the time frame for preparation of their legislative required materials. Participate in any meeting convened by the agencies to discuss the impacts of their report and recommendations. Participate in any rule-making hearing related to this matter.

INTERIM MONITOR PROJECT TITLE:

Monitor the Activities of the Department of Environmental Protection relating to their review of Water Quality Improvement Projects proposed for funding from the Ecosystem Management and Restoration Trust Fund pursuant to CS/HB 851

DATE DUE: N/A

PROJECT NUMBER: 2003-341

BACKGROUND and DESCRIPTION:

CS/HB 851 provided for the reallocation of sales tax revenues that previously were deposited in the Solid Waste Management Trust Fund and beginning in July 1, 2003 will be deposited in the Ecosystem Management and Restoration Trust Fund to be used for water quality improvement projects. Explanations of this legislation indicated that these funds will be used for proposals from legislative

members relating to water quality improvement and lake restoration. The legislation provided that no later than February 1 of each year, water quality improvement projects and water restoration projects submitted for funding through the legislative process shall be submitted to the Department of Environmental Protection (DEP) by the appropriate legislative fiscal committees. The department shall review the projects for funding eligibility and must, no later than March 1 of each year provide each legislative fiscal committee with a list of projects that meet the eligibility requirements under this grant program.

Legislative staff need to coordinate activities with the Department of Environmental Protection to ensure a uniform format for submission of project information and to ensure the timely review by DEP.

PROJECT OBJECTIVE(S):

To develop a uniform format for the submission and evaluation of water project information seeking legislative funding.

METHODOLOGY:

Meet with Senate and House Appropriations staff and Senate and Houses Natural Resource Committees staff to determine the best format and information needed for consideration and funding of water-related projected by the Legislature in the 2003 Session. Also, meet with the Department of Environmental Protection staff and staff from water management districts to determine how their review and comments on proposed water-related projects can be incorporated.

INTERIM MONITOR PROJECT TITLE:

Monitor the continuing activities of the Department of Environmental Protection in the Development of a Comprehensive Plan for Management of Invasive Species

DATE DUE: N/A

PROJECT NUMBER: 2003-342

BACKGROUND and DESCRIPTION:

The Senate Natural Resources Committee was assigned an interim project for the 2002 Session that reviewed the activities of the Department of Environmental Protection (DEP) and other agencies to develop a comprehensive plan that coordinates the responsibilities of the various agencies to manage and prevent biological invasions. Activities are still underway and likely will continue for several months to come with numerous meetings convened by the DEP and other appropriate agencies to clarify the respective roles of various agencies and to develop coordinating mechanisms between the agencies.

PROJECT OBJECTIVE(S):

To review and evaluate the progress being made by the Department of Environmental Protection and other related agencies in developing a comprehensive plan to improve the use of resources for managing invasive species.

METHODOLOGY:

Attend meetings convened by the Department of Environmental Protection with other agencies to develop strategies for a comprehensive plan. Review information on agency web sites relating to these matters, especially comments about evolving drafts of a comprehensive plan.

INTERIM MONITOR PROJECT TITLE:

Monitor the Records and Mapping of State, Federal, and Locally Owned Lands

DATE DUE: N/A

PROJECT NUMBER: 2003-343

BACKGROUND and DESCRIPTION:

Both the Department of Revenue and the Department of Environmental Protection are in the process of implementing geographic information systems (GIS) that depict various categories of public-owned land in Florida. The DOR's conversion to a uniform digital mapping system will enable county property appraisers to map all government and privately-owned parcels, while the DEP's system will provide maps of all parcels that have ever been owned by the Board of Trustees of the Internal Improvement Trust Fund. The Senate Natural Resources Committee was assigned an interim project for the 2002 Session that reviewed the departments' progress in mapping public-owned lands. The project report recommended support for the DOR's request for increased funding to assist the counties in the development of digital maps. The increased funding was provided and the project has been accelerated.

PROJECT OBJECTIVE(S):

To monitor the departments' overall progress in implementing digital mapping and, in the case of the DOR, the impact of the new funding provided to the counties through the grant program.

METHODOLOGY:

Committee staff will periodically meet with agency staff and review examples of digitized maps. Staff will obtain periodic updates from the Department of Revenue on the overall progress being made by the counties in completing their computerized mapping systems that will be capable of displaying maps of public-owned lands.

Regulated Industries

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Review of Rules and Policies of the Florida Public Service Commission

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-137

BACKGROUND and DESCRIPTION:

The Florida Public Service Commission regulates water, waste water, telecommunications, gas and electric services pursuant to Florida Statutes. The Commission, an arm of the Legislature, promulgates rules pursuant to relevant statute and consistent with the Administrative Procedures Act (Chapter 120).

PROJECT OBJECTIVE(S):

Random Commission policy and rules relating to the regulation of water, waste water, telecommunications, gas and electric services will be reviewed for consistency with the legislative mandate reflected in the Florida Statutes. Based upon staff's findings, a committee bill may be necessary.

METHODOLOGY:

Staff will review a sampling of various rules promulgated and orders issued by the Commission, interview staff, industry and consumer representatives, and gather other relevant information.

INTERIM PROJECT TITLE:

Funeral and Cemetery Services

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-138

BACKGROUND and DESCRIPTION:

The regulation of funeral directing, embalming, and direct disposition, or cremation, of human remains is governed by ch. 470, F.S. Regulation is administered by the Board of Funeral Directors and Embalmers within the Department of Business and Professional Regulation. The regulation of cemeteries, and the sale of preneed burial rights, preneed funeral or burial merchandise, and preneed funeral or burial services, is governed by ch. 497, F.S. Regulation is administered by the Board of Funeral and Cemetery Services within the Department of Banking and Finance. Recent events have given rise to concerns over the care exercised in the interment of human remains and the effectiveness of regulation of the cemetery industry. Because of these events, a review of the current state of the funeral and cemetery industries and applicable regulations is warranted to determine whether any changes should be made to the Florida Statutes.

PROJECT OBJECTIVE(S):

Review and evaluate the current state of the funeral and cemetery industries and the effectiveness of the current regulatory framework, determine whether more effective regulation is warranted, and, if so, make recommendations regarding changes to the Florida Statutes.

METHODOLOGY:

Meet with representatives of the Department of Business and Professional Regulation, the Department of Banking and Finance, the Board of Funeral Directors and Embalmers, the Board of Funeral and Cemetery Services, and other interested parties. Review developments in other jurisdictions, other miscellaneous sources, and current law.

INTERIM PROJECT TITLE:

Fee Equity - Examining the Fairness of Florida's Regulatory Fee Structure (with GOP Committee)

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-

BACKGROUND and DESCRIPTION:

Fees charged for services and for regulation of businesses and professions are set in statute either as a flat fee, a fee cap, or authorization is given to an agency or board to charge a fee to "cover the cost of such service." The majority of fees are "capped" and whenever an agency or board wishes to increase a fee beyond the cap in order to cover increased costs of regulation, they must propose legislation. Many fees charged are inadequate to cover the "true" cost of regulation and agency budgets must be supplemented with General Revenue to cover these additional costs. During the 2002 Legislative Session, SB 692, Fee Equity Measures, was filed to provide a process for the annual approval of service or regulatory oversight fees charged by state agencies in an amount to cover, as much as possible, the "true" costs of such service or regulation. The Senate Finance and Taxation Committee discussed the provisions of SB 692 during the interim, but the bill was never heard by a committee during the regular session.

PROJECT OBJECTIVE(S):

Senate Bill 692 was a first attempt to provide a process by which state agencies could review the costs of providing services and regulatory oversight and propose increases in their fee structures to reflect the "true" costs of providing such services or regulation. The objective of this interim project is to examine, in more detail, the fairness of Florida's fee structure and improve on the provisions provided in SB 692.

METHODOLOGY:

Develop a work group consisting of interested state agencies to discuss the provisions of SB 692 and ways to improve on the process of making Florida's fee structure more equitable and reflective of the true costs of providing services and oversight and coordinate this effort with other Senate committees.

MANDATORY REVIEWS

INTERIM MANDATORY REVIEW TITLE:

Open Government Sunset Review of the Public Records Exemption for Information Relative to an Investigation into Land Sales Practices by the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation (s. 498.047(8), F.S.)

DATE DUE: December 1, 2002

PROJECT NUMBER: 2003-223

BACKGROUND and DESCRIPTION:

Ch. 98-54, L.O.F., created subsection 498.047(8), Florida Statutes, to make information relative to an investigation into land sales practices by the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation confidential and exempt from the public records laws. The subsection is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, F.S., and stands repealed on October 2, 2003, unless reviewed and saved from repeal through reenactment by the Legislature.

PROJECT OBJECTIVE(S):

This project would review the public records exemption for information relating to land sales practices investigations, as provided in s. 498.047(8), F.S., under the criteria specified in s. 119.15, F.S., and recommend reenactment, repeal, or revision.

METHODOLOGY:

Staff will analyze the type of investigative information that is obtained by the division. Legislative history of the 1998 law will be reviewed. Interviews and discussions will be held with department personnel and other persons, who will be asked whether the exemption is justified under the criteria specified in s. 119.15, F.S.

INTERIM MANDATORY REVIEW TITLE:

Zero-Based Budgeting (ZBB) Review – Department of Lottery

DATE DUE: January 3, 2003

PROJECT NUMBER: 2003- 224

BACKGROUND and DESCRIPTION:

The Legislative Budget Commission's schedule for Zero-Based Budgeting (ZBB) provides that the Department of Lottery is to undergo ZBB review during the 2002-2003 interim. The ZBB review, required under s. 216.1825, F.S., is an extensive, comprehensive analysis of agency programs, services, and activities performed by legislative staff under the direction of designated members of the Legislative Budget Commission. Program performance data, customer service, program quality, as well as revenues, expenditures, program policies, and other important data and information are compiled for legislative review and action.

The Department is one of the agencies scheduled for ZBB review during the 2002-2003 interim.

PROJECT OBJECTIVE(S):

Monitor and assist staff of the Appropriations Subcommittee on General Government, in addition to staff from the House of Representatives on the comprehensive review of program and service information relating to the Department of Lottery.

METHODOLOGY:

Experience from prior ZBB reviews demonstrates this effort is labor intensive for both agencies and legislative staff. Consistent with past years, this project will be conducted jointly with the staff of the House of Representatives. Process and analysis methodologies were developed jointly with other substantive committees and other appropriations subcommittees of both the Senate and the House of Representatives, with the review and approval of the Legislative Budget Commission.

INTERIM MANDATORY REVIEW TITLE:

Zero-Based Budgeting (ZBB) Review – Department of State, Division of Licensing

DATE DUE: January 3, 2003

PROJECT NUMBER: 2003- 225

BACKGROUND and DESCRIPTION:

The Legislative Budget Commission’s schedule for Zero-Based Budgeting (ZBB) provides that the Department of State is to undergo ZBB review during the 2002-2003 interim. The ZBB review, required by s. 216.1825, F.S., is an extensive, comprehensive analysis of agency programs, services and activities performed by legislative staff under the direction of designated members of the Legislative Budget Commission. Program performance data, customer service, program quality, as well as revenues, expenditures, program policy, and other important data and information are reviewed and compiled for legislative review and action.

The Department of State is one of the agencies scheduled for ZBB review during the 2002-2003 interim. Within the department, the Division of Licensing is scheduled for review.

PROJECT OBJECTIVE(S):

Monitor and assist staff of the Appropriations Subcommittee on General Government, in addition to staff from the House of Representatives on the comprehensive review of program and service information relating to the Division of Licensing of the Department of State.

METHODOLOGY:

Experience from prior ZBB reviews demonstrates this effort is labor intensive for both agencies and legislative staff. Consistent with past years, this project will be conducted jointly with the staff of the House of Representatives. Process and analysis methodologies were developed jointly with other substantive committees and other appropriations subcommittees of both the Senate and the House of Representatives, with the review and approval of the Legislative Budget Commission.

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Monitor the Department of Business and Professional Regulation Reengineering Project

DATE DUE: N/A

PROJECT NUMBER: 2003- 344

BACKGROUND and DESCRIPTION:

The Department of Business and Professional Regulation is in the process of a multi-year reengineering and technology project. The project will switch all its divisions to one computer system, a system that allows full-time public access via the internet. The goal of the project is to use technology to increase employee efficiency and enhance customer services through automated processes such as on-line licensing.

PROJECT OBJECTIVE(S):

To obtain information on the reengineering project and its costs and effects and present this information to the Committee.

METHODOLOGY:

Meet with and gather information from Department personnel.

INTERIM MONITOR PROJECT TITLE:

Monitor the Renewable Energy Study Conducted by the Florida Public Service Commission and the Florida Department of Environmental Protection

DATE DUE: N/A

PROJECT NUMBER: 2003- 345

BACKGROUND and DESCRIPTION:

House Bill 1601 from the 2002 Regular Session requires the Florida Public Service Commission, in consultation with the Florida Department of Environmental Protection, to perform a study for the purpose of defining public policy with respect to the use of renewable resources in Florida. The study must, at a minimum, assess cost, feasibility, deployment schedules, and impacts on the environment of increased use of renewables. The study must also describe options and mechanisms to encourage the increased deployment of renewables within our state. The Commission is to report the results of the study to the President of the Senate and the Speaker of the House by February 1, 2003.

PROJECT OBJECTIVE(S):

To become better educated on environmental and renewable energy issues.

METHODOLOGY:

Attend study meetings, discuss facts and issues with Commission and Department personnel, and analyze data.

Transportation

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Innovative Transportation Technologies

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-140

BACKGROUND and DESCRIPTION:

The Florida Department of Transportation is responsible for planning, engineering, constructing, operating, and maintaining the state's transportation system. Millions of individuals and businesses each year rely upon this system for the effective and safe movement of people, goods, and services throughout the state. Currently, the state transportation system consist of 39,730 lane-miles of highways and 6,253 bridges.

The current congestion levels on state highways, projected growth in daily vehicle miles traveled, environmental impacts, and other considerations, combined with the Department of Transportation's limited ability to fund needed transportation projects, create a strong incentive to consider alternatives to traditional approaches to highway construction and design methods.

PROJECT OBJECTIVE(S):

This interim project will evaluate innovative transportation design, engineering, construction, and management technologies, and will examine the opportunities for expanded use of such innovative technologies in Florida.

METHODOLOGY:

This interim project will include the following tasks:

- Review research relating to the use of innovative design, engineering, construction, and management technologies;
- Interview Florida transportation stakeholders; and
- Interview appropriate transportation agency and industry representatives in other jurisdictions.

INTERIM PROJECT TITLE:

Review of Programs for Setting and Funding Transportation Priorities

DATE DUE: January 1, 2003

PROJECT NUMBER: 2003-141

BACKGROUND and DESCRIPTION:

In recent years there has been a push toward a regional and intermodal perspective in the prioritization of transportation projects. Many studies (Freight Stakeholders Task Force; Florida Chamber Cornerstone Report; Senate Interim Projects 2000-70, 2000-69, and 2002-148) have found that in the past projects were prioritized at the local level without much regional perspective. Further,

each transportation mode (roads, rail, transit, seaports, and airports) had their own planning process without adequate interface with the other modal plans. Over the past five or six years, the Department of Transportation has been working on processes to integrate modal planning and provide a more regional perspective to the prioritization process. Numerous programs such as the Transportation Outreach Program, the County Incentive Grant Program and the Small County Outreach Program have been created to meet local and regional transportation infrastructure needs. This report will examine the progress made toward regionalization and intermodal planning in Florida, and the efficacy of the Department's grant programs.

PROJECT OBJECTIVE(S):

This report will examine the progress made toward regionalization and intermodal planning in Florida, the efficacy of the Department's current grant programs, and possible alternatives to current programs.

METHODOLOGY:

This report will require a review of the Department's grant programs including statutory review and interviews with staff and grant applicants. The report will examine the Department's progress toward modal integration through examinations of documents, including the State Intermodal System Steering Committee documents and relevant Florida Statutes, and stakeholder interviews.

MANDATORY REVIEWS

INTERIM MANDATORY REVIEW TITLE:

Zero-Based Budgeting Review - Department of Highway Safety and Motor Vehicles

DATE DUE: January 3, 2003

PROJECT NUMBER: 2003-226

BACKGROUND and DESCRIPTION:

The Legislative Budget Commission's schedule for Zero-Based Budgeting (ZBB) provides that the Department of Highway Safety and Motor Vehicles is to undergo ZBB review during the 2002-2003 interim. The ZBB review, required under s. 216.1825, F.S., represents a comprehensive analysis of agency programs, services, and activities. Program performance data, customer service, program quality, as well as revenues, expenditures, program policies, and other important data and information are compiled for legislative review and action.

PROJECT OBJECTIVE(S):

Monitor the progress of the zero based budgeting process.

METHODOLOGY:

This project will be conducted jointly with staff of the House of Representatives and with staff of both House and Senate substantive committees having jurisdiction for those agencies. Procedural and analytical methodologies will be developed jointly with other substantive committees and other appropriations subcommittees of both the House and the Senate, with review and approval of the Legislative Budget Commission.

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Local Regulation of Wrecker Services

DATE DUE: N/A

PROJECT NUMBER: 2003-346

BACKGROUND and DESCRIPTION:

The Eleventh Circuit Court of Appeals recently decided a case which affects the ability of state and local governments to regulate the price, route, or services of towing companies for consensual towing services. This project will examine the affect of this case, and other court decisions on Florida law, the wrecker industry and the public.

PROJECT OBJECTIVE(S):

This project will offer committee members an objective review of current law regarding the regulation of wrecker services.

METHODOLOGY:

Staff will review case law and will meet with stakeholders concerning the regulation of wreckers.

INTERIM MONITOR PROJECT TITLE:

Motor Vehicle Accidents involving Driver Distraction

DATE DUE: N/A

PROJECT NUMBER: 2003-347

BACKGROUND and DESCRIPTION:

Senate Bill 358 (Ch. 2002-179, L.O.F.) directed the Department of Highway Safety and Motor Vehicles to collect data concerning motor vehicle accidents involving driver distractions beginning January 1, 2002. The Department is to publish such data accompanied by a report analyzing the data collected and the impact of driver distraction on crashes. The data and report are to be presented to the President of the Senate and the Speaker of the House of Representatives by February 28, 2003.

PROJECT OBJECTIVE(S):

Evaluate the findings of the Department's report on driver distraction and motor vehicle crashes.

METHODOLOGY:

Meet periodically with department staff to evaluate data collection and report findings.

INTERIM MONITOR PROJECT TITLE:

Transportation Equity Act-21 Reauthorization

DATE DUE: N/A

PROJECT NUMBER: 2003-348

BACKGROUND and DESCRIPTION:

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

PROJECT OBJECTIVE(S):

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

METHODOLOGY:

Staff will review proposed changes to TEA-21 and review recommendations made by Florida's TEA-21 Reauthorization Working Group.