

Report of the Joint Legislative Sunset Committee

March 2010



***Department of Community Affairs
Department of Management Services
Department of Children & Family Services
Department of State***



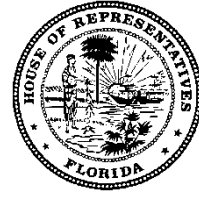
JEFF ATWATER
President of the Senate

THE FLORIDA LEGISLATURE
JOINT LEGISLATIVE SUNSET COMMITTEE

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LARRY CRETUL
Speaker of the House of
Representatives

March 16, 2010

The Honorable Jeff Atwater
President of the Senate
409 Capitol
Tallahassee, FL 32399

The Honorable Larry Cretul
Speaker of the House of Representatives
420 Capitol
Tallahassee, FL 32399

Dear President Atwater and Speaker Cretul:

As provided in section 11.908, F.S., this report presents the findings and recommendations of the Joint Legislative Sunset Committee regarding the need for the abolishment, continuation or reorganization of the following departments, the departments' programs, and the departments' advisory councils.

- Department of Community Affairs
- Department of Management Services
- Department of Children & Family Services
- Department of State

Sincerely,

Senator Ronda Storms
Co-Chair, Joint Sunset Committee

Representative Faye Culp
Co-Chair, Joint Sunset Committee

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Summary

The Joint Sunset Committee made the following recommendations in its report to the President and Speaker in March 2010.

Department of Community Affairs

- Combine the Department of Community Affairs and Department of Highway Safety and Motor Vehicles manufactured building programs under the Department of Business and Professional Regulation, using private entities to operate programs.
- Consolidate the Florida Community Trust and the Florida Recreation Development Assistance Program and administer in Department of Community Affairs.
- Transfer the Small County Technical Assistance Program from the Department of Agriculture and Consumer Services to the Department of Community Affairs.

Division of Emergency Management

- Develop transparent procedure to award all residential construction mitigation grants with measurable benefits.
- Abolish the Hurricane Loss Mitigation Program Advisory Council.

Department of Management Services

- Make the Department of Management Services a Cabinet Agency.
- Continue the Florida Advisory Council on Small and Minority Business Development with modification, to include directing the council to advise and assist the department's Office of Supplier Diversity rather than the department secretary.
- Abolish the Council on Efficient Government.
- Abolish the Florida State Employee Wellness Council.
- Abolish the Minority Business Certification Task Force.

Florida Commission on Human Relations

- Require a filing fee of \$200 to access a DOAH hearing when the Florida Commission on Human Relations has determined that no reasonable cause exists for a discriminatory claim.

Department of Children & Family Services

- The Department of Children and Families should be the exclusive state agency to inspect childcare facilities. AWI, Department of Education, and DOH shall be required to incorporate their inspection requirements within DCF's inspection process. The goal is to have one agency inspector gather all necessary information. DCF may grant, through interagency agreement, a waiver of consolidation if it is determined between the agencies that the consolidation cannot be accomplished without jeopardizing the health and safety of children. AWI should be provided clear statutory authority to direct Early Learning Coalitions in order to prevent future duplication of effort.
- Change the statute to require local governments to bear the cost of additional licensing requirements of childcare facilities, when such requirements are a result of a local ordinance.

- Repeal the Family Builders Program (ss. 39.311 – 39.318, F.S.)
- The Agency for Persons with Disabilities should become administratively self-sufficient and develop and implement a plan to perform all of its own administrative and operational functions within a specified time.
- Abolish the Behavioral Health Services Integration Workgroup

Department of State

- Combine the Executive Office of the Governor’s notary section within the Department of State’s notary section.
- Abolish The Grove Advisory Council; the management, maintenance, and operation of the Grove should be assumed by a not-for-profit citizen support organization as the property evolves into a house museum.
- Abolish the State Historical Marker Council; the Florida Historical Commission would assume the responsibilities.
- Abolish the Great Floridians Ad Hoc Selection Committee; the responsibilities would assumed by the Florida Historical Commission.
- Abolish the Folklife Apprenticeship Ad Hoc Advisory Committee; the Florida Folklife Council would assume the responsibilities.
- Abolish the Florida Library Network Council; the responsibilities would be assumed by the Library Information Services Council.

Scope

Sunset Reviews

The 2006 Legislature enacted the Florida Government Accountability Act, sections 11.901-11.920, Florida Statutes, which established an agency sunset review process to be used by the Legislature to determine if a public need exists for the continuation of a state agency, its advisory committees, or its programs. The act creates a schedule to abolish state agencies and advisory committees, and sets criteria to be used in the sunset review process. An agency subject to review by the Legislature is abolished on June 30 following the year of the agency review, unless continued by the Legislature. However, a reviewed agency may not be abolished unless all of the services for which the agency had responsibility have been repealed, revised, or reassigned; and adequate provisions have been made for all duties and obligations relating to debt.

Sunset Review Process

The Florida Government Accountability Act provided for the creation of the Joint Sunset Committee to oversee the independent review process, obtain public input, and make recommendations to abolish, continue, or reorganize the agency under review. The act also provides that the Senate and House of Representatives may conduct independent reviews regarding the scheduled agency sunsets. In addition, the Office of Program Policy Analysis and Government Accountability (OPPAGA) is designated as the primary provider of research services, as directed by the sunset committees.

No later than March 1 of the year in which an agency is scheduled to be reviewed, the sunset committees are to provide the President and Speaker with recommendations on the abolition, continuation, or reorganization of each state agency and its advisory committees and on the need for the performance of the functions of the agency and its advisory committees. The sunset committees can also make recommendations on the consolidation, transfer, or reorganization of programs within state agencies not under review when the programs duplicate functions performed in agencies under review.

Findings and Recommendations

House members were reassigned to the Joint Sunset Committee in November 2009. Since that time, the committee met five times. The committee reviewed the information submitted by the agency pursuant to s. 11.906, F.S., and consulted with various legislative and other stakeholder groups to identify specific issues for further research by OPPAGA.¹ This information and the criteria provided in the Act were then used by the committee in developing its March 2010 recommendations for the four agencies scheduled for sunset:

- Department of Community Affairs
- Department of Management Services
- Department of Children & Family Services
- Department of State

The Joint Sunset Committee focused on similar activities performed by multiple state agencies. The committee recommends that the agencies, their programs, and advisory councils be continued, except for the recommendations contained in this report.

Department of Community Affairs

The Department of Community Affairs (DCA) is the state's land planning and community development agency. The department seeks to ensure that new growth complies with the state's growth management laws, assist established communities in revitalizing their older neighborhoods, and plan for and responds to both natural and man-made disasters. The Legislature appropriated \$391,295,710 and 211 full-time equivalent positions to the department for Fiscal Year 2009-10.

Manufactured Buildings

Currently, Florida has three state agencies that are charged with making sure homes are constructed to the proper standards.

- Department of Community Affairs administers a state program that oversees manufactured or **modular buildings**, both residential and commercial;
- Department of Highway Safety and Motor Vehicles (DHSMV) operates a federal program for **mobile homes** (also referred to as manufactured homes); and

¹ This paper cites extensively from Office of Program Policy Analysis and Government Accountability Sunset Memorandum. All reports cited are included in Appendix A.

- The Department of Business and Professional Regulation (DBPR) regulates the construction industry (**site built homes**) and building code administrators and inspectors.

Department of Community Affairs

The Manufactured Building Program is a state program that oversees construction plans, specifications, and quality control procedures for **modular buildings**. Modular buildings are designed, built, permitted and inspected to the Florida Building Code, and must be installed on permanent foundations (e.g., poured footers, stem walls & poured piers or engineered slabs, just like site built homes). The DCA has delegated the responsibility for inspection of modular buildings to third-party entities that have been authorized by an appropriate licensing board and certified by the DCA for that purpose. The manufacturer contracts directly with the third-party entity and upon passing inspection, an insignia is attached to the building or building component indicating approval. Additionally, DCA requires that the operation of manufacturing facilities is subject to a quality assurance program and contracts with a third-party entity for this purpose. The activities of manufacturers are also subject to audit by DCA's contractor. DCA also oversees the Florida Prototype Building Program, which provides a standardized plan review process for buildings that are replicated throughout the state. Installers of modular buildings are general contractors licensed by DBPR.

Department of Highway Safety and Motor Vehicles

The Mobile Home Compliance and Enforcement Program monitors mobile home manufacturers. **Mobile homes**, referred to as manufactured homes if fabricated after June 15, 1976, are built to the United States Department of Housing and Urban Development (HUD) standards; are usually installed on temporary foundations (concrete pads, dry-stacked blocks and tie-downs); and are usually not considered real property. Under a contract with HUD, DHSMV monitors compliance with federal mobile home building code standards and investigates and resolves consumer complaints. Under a state plan approved by the federal government, DHSMV monitors mobile home dealer lots and approves all alterations made by retailers to provide consumer protection and assurance of manufactured home safety. DHSMV evaluates the ability of mobile home manufacturing plants to follow approved quality control procedures and provides ongoing surveillance to ensure that manufacturing processes comply with approved plans. When each home section has been completed and passes final inspection, a HUD label is affixed to the home section attesting the home meets the HUD Code. Unlike DCA, the Mobile Home Compliance and Enforcement Program does inspections with state employees. DHSMV also licenses, tests, and trains mobile home installers.² In addition, the program administers the state warranty program.

Department of Business and Professional Regulation

Site built homes are regulated by the state in two ways: licensing of the construction industry and licensing of local building inspectors. The Florida construction industry is regulated by DBPR through the Construction Industry Licensing Board (CILB), with the goal of protecting public health, safety, and welfare by licensing contractors. Local governments also have authority to license and regulate contractors within their jurisdictions. State law requires that certain construction professionals be licensed, meet minimal standards, complete annual continuing education requirements, and renew licenses biennially. DBPR also regulates building code administrators and inspectors through the Building Code Administrators and Inspectors Board (BCAIB), whose charge is to ensure buildings are built to code.

² DHSMV's Field Operations Bureau also license mobile home dealers.

2008-09	DCA	DHSMV	DBPR
Revenues	\$330,490	\$298,785	CILB: \$15,864,050 BCAIB: \$1,240,658
Expenditures	\$362,371	\$1,534,662	CILB: \$11,975,414 BCAIB: \$1,036,162
FTE	2	26	CILB: 59 BCAIB: 5.8
Regulate	Modular Building Manufacturers	Mobile Home Manufacturers, Installers & Dealers	Construction Industry Building Code Inspectors
Enforcement By	3 rd Party Contracts	State inspectors	Licensed Local Inspectors
# Licenses Issued	Manufacturers: 179 (nationally) 3 rd Party: 19	Manufacturers: 23 (7 in Florida) Installers: 459	CILB: 11,502 BCAIB: 568
# Inspections	Buildings: 5,299 Manufacturers: 53	Homes at Manufacturer: 3,531 Homes at Dealerships: 11,635	--n/a
Inspects Out of State Manufacturers	Yes	No	n/a
# Insignias/Seals Issued	Commercial: 1,104 Residential: 300 Schools: 879 Sheds: 17,989 Prototypes: 6	Residential: 2,592	--n/a
Complaints	Unlicensed Activity: 1 Program Compliance Violations: 2 Consumer Complaint: 4 Plan Review Discrepancies: 1	Home Warranty: 132 Installations: 10	CILB: 6,853 * BCAIB: 117
Investigations	8	Home Warranty: 62 Installations: 111	CILB: 2,930 BCAIB: 53
Education and Training	Continuing education training Monitor training Technical assistance Code Officials on updated program information	Initial Installer: 12 classes Refresher Installer: 16 classes Dealers: 14 classes Code Officials: 42 classes Manufacturer inspectors: 8 classes	Construction Industry Outreach: 192 Code Officials Outreach: 4

* Complaints of all professions regulated by DBPR are handled in a centralized manner. Most analysts/investigators handle construction industry complaints with some analysts specializing in specific professions.

Source: Departmental responses to specific information requests.

Findings

- The two inspection programs operate in a different manner.
 - DCA contracts with private entities to inspect modular building construction and for quality assurance.
 - DHSMV does inspections with state employees.
- Inspectors from DCA and DHSMV sometimes go to the same facility to inspect different homes.
 - Two of the seven Florida mobile home manufacturers inspected by DHSMV construct both modular buildings and mobile homes.
- If a state chooses not to participate as an inspection agency, manufacturers of mobile homes would contract with HUD approved private entities. (See excerpt from 2008 Joint Sunset Committee Report in Appendix B for additional details on this recommendation.)
- To streamline and maintain control of the regulation of mobile and modular homes, the state could utilize private entities similar to DCA's current regulatory structure. A number of private companies currently inspect both modular building and mobile home manufacturers.
- DCA, DHSMV, and DBPR are all providing continuing education to local inspectors.
- The 2005 legislatively created Manufactured Housing Regulatory Study Commission recommended DCA's and DHSMV's programs be merged within DHSMV.
- The Mobile Home Compliance and Enforcement Program does not fall within the mission of the Department of Highway Safety and Motor Vehicles of developing, maintaining, and supporting a safe driving environment.
 - No other state with similar mobile home regulatory responsibilities places this function within a highway safety or motor vehicle department.
 - Although the programs' missions are more consistent with DCA's mission, combining all building programs under one entity would make the building process easier for citizens to navigate.
- Section 216.0236(1), F.S., provides that costs of providing a regulatory service or regulating a profession or business should be borne solely by those who receive the service or who are subject to regulation.
 - DHSMV provides a \$1 million subsidy to the federal Mobile Home Compliance and Enforcement Program.

Recommendation

Combine the DCA and DHSMV inspection programs under DBPR, using private entities. Transfer the licensing of manufacturers and installers to DBPR. Consolidate the continuing education and training of local building code officials to include the requirements of all three building types.

- This will help streamline, while maintaining control of, the regulation process and allow greater utilization of private sector contractors.

Recreational Development

Currently, two state programs focus on increasing recreational activities in Florida. The Department of Community Affairs administers the Florida Community Trust (FCT), which focuses on land acquisition. The Department of Environmental Protection (DEP) administers the Florida Recreation Development Assistance Program (FRDAP), which focuses on infrastructure.

Department of Community Affairs

The Florida Communities Trust was created in 1989 by the Florida Communities Trust Act, Chapter 380, Part III, F.S., as a growth management tool to help local governments implement state requirements related to local comprehensive planning. FCT, administered by DCA, is an element of Florida Forever, receiving 21 percent of the total Florida Forever appropriation (\$63 million in a typical year) for the Parks and Open Space grant program and 2.5 percent of the total (\$7.5 million) for the Stan Mayfield Working Waterfronts Program.³ FCT is governed by a six-member board that includes the Secretary of DCA (who serves as permanent chair), the Secretary of DEP, and four members of the public appointed by the Governor.

FCT's Parks and Open Space acquisition program is a competitive grant program that provides funding to local governments and environmental non-profits to help acquire community-based parks, open space, and public water access. These acquisition projects assist local governments in the implementation of the goals, policies, and objectives of the conservation, recreation, and open space elements of their local comprehensive plans. There are also a number of criteria in FCT's competitive scoring process that foster cultural and historical preservation, trail system development, and public access to water. FCT's mission is land acquisition for local and regional parks, some of which are more than 3,000 acres in size. FCT's Parks and Open Space acquisition grants are capped at \$6.3 million per grant.

The Stan Mayfield Working Waterfronts Program, which was established in 2008, is also a competitive grant program, providing financial assistance to local governments and non-profits for the acquisition of land to preserve working waterfronts.

Over the last five years, FCT has provided nearly \$335 million to communities throughout Florida for the acquisition of 162 local and regional park projects statewide. The average number of applications received annually is just over 100, generally requesting more than four times the available funds. The FCT Governing Board makes the final determination of funded projects for the Parks and Open Space program and the initial selection of funded projects for the Stan Mayfield Working Waterfronts program, while the Board of Trustees (Governor and Cabinet) may only remove projects from the FCT Board's list of working waterfront grantees.

FCT has a staff of 16; two Community Program Managers, an Environmental Administrator, two Government Analyst II's, a Senior Attorney, an Attorney, an OMC I, three Planner IV's, a Senior Acquisition Review Agent, an Acquisition Review Agent, a Grants Specialist IV, a Public Information Specialist, and an Administrative Assistant II.

Department of Environmental Protection

The Florida Recreation Development Assistance Program, administered by DEP within the Division of Recreation and Parks, is an element of Florida Forever and was established during FY 72/73. Pursuant to Section 375.075, F.S., FRDAP is a competitive grant program that provides financial assistance through grants to local governments for the acquisition and development of land for

³ Florida Forever did not receive an appropriation for FY 2009-10.

public outdoor recreation purposes. All incorporated city and county governments that provide outdoor recreational sites and facilities for the use and benefit of the public are eligible for funding.

FRDAP's primary mission is park development, with very small acquisitions being only an incidental activity. FRDAP's grants are capped at \$200,000. For the past 30 years, the State of Florida has invested nearly \$320 million to improve local park facilities, funding more than 2,814 projects statewide. Within the last five years, the FRDAP program has funded 968 development projects, 37 acquisition endeavors and 20 trail ventures. The average number of applications received annually is 300. Currently, the existing caseload is over 600 projects amounting to \$66 million and at this time, there are 195 projects proposed for funding approval for the FY 09/10 grant funding cycle.

The FRDAP funding list is not official until it has been reviewed by the Legislature and the state budget has been signed by the Governor. Most projects are funded at the maximum grant amount, which requires a 50/50 match. A local government may have up to three active projects at any one time. Once the local administration has been awarded the grant, they have three years to complete the project and be reimbursed. After three years, unencumbered funds are subject to reverting to the Land Acquisition Trust Fund.

Land owned by the grantee, which is acquired or developed with FRDAP funds, must be dedicated in perpetuity as an outdoor recreational site for the use and benefit of the general public. Land under control other than by ownership of the grantee such as by lease, must be dedicated as an outdoor recreation area for the use and benefit of the general public for a minimum period of 25 years from the completion date set forth in the project completion certificate. The dedications must be recorded in the public property records by the grantee.

Presently, the Office of Information and Recreation Services (OIRS) oversees the FRDAP program with an office of seven; one Program Administrator, one Administrative Assistant and five Community Assistant Consultants.

Additionally, OIRS supervises the management of the Federal funded Land and Water Conservation Fund (LWCF.) This grant is similar to FRDAP in nature and is also a reimbursement grant with a 50/50 match ratio requirement. Over the past three fiscal years (2006-07 through 2008-09), this program received an average of 25 applications and awarded \$1.3 million annually.

	DCA - FCT	DEP - FRDAP
Primary Mission	Land Acquisition for Parks	Park Development
Partners	Local Government	Local Government
Grant Cap	\$6,300,000	\$200,000
FTE	16	7
Average # of Applications Received Annually *	111	227
Average # of Applications Approved Annually *	29	194

Average of total Applications Funded Annually *	\$94 million	\$29.3 million
Applications Scored and Ranked	Yes	Yes
Applications Approved by	Board	Legislature
Performance over Past 5 Years	\$335 million for the acquisition of 162 local and regional parks projects	Funding for 968 development projects, 37 acquisition endeavors and 20 trail ventures.

* Three year average for fiscal years 2006-07 through 2008-09.

Source: Departmental responses to specific information requests.

Findings

- Currently, two state agencies provide grants for the acquisition and development of land for public outdoor recreational purposes.
- The agencies have similar application processes and scoring however, FCT projects are approved by a board and FRDAP list is approved by the Legislature.
- FCT's mission is land acquisition for local and regional parks, some of which are more than 3,000 acres in size. FRDAP's primary mission is park development, with very small acquisitions being only an incidental activity.
- Both agencies require continual communication and monitoring of grant recipients.
 - FTC monitors into perpetuity.
 - FRDAP monitors for three years.
- DCA currently assists local governments by providing resources in a number of areas, including; comprehensive plans, housing, streets, utilities and public facilities.

Recommendation

Consolidate the Florida Community Trust and the Florida Recreation Development Assistance Program and administer in DCA.

- This would reduce redundancy and foster a seamless process when local governments apply to the state for recreational grants.

Small County Technical Assistance Program

Of the state's 67 counties, 32 are defined by law as being "small counties" with populations of 75,000 and below.

- Of these, 30 are further defined as being "fiscally constrained," meaning the value of a one mill property tax rate will raise no more than \$5 million in revenue annually.

These counties have severe budget constraints and are also experiencing the pressures of new growth, as development continues to seek cheaper land values in these areas and are unable to properly plan for their communities.

- A majority of these counties have comprehensive plans that are not only out of date, but they have no planning staff to update them.
- County Commissioners who are charged with implementing the comprehensive plan typically have no background in this area and have received no training regarding the state’s growth management requirements.

The Small County Technical Assistance Program was created by s. 163.05, F.S., for the purpose of providing technical assistance to small counties to enable them to implement workable solutions to financial and administrative problems.

Findings

- Administratively, the program is located at the Department of Agriculture and Consumer Services.
 - The program has not been funded in the last 3 years.
 - During the last two budget reductions exercises, the Department of Agriculture and Consumer Services proposed eliminating this program, noting that it was not mission critical.
- DCA already has a technical assistance “program” that provides some funding to counties for comprehensive plan issues, updates, and amendments. The Small County Technical Assistance Program is viewed by the counties as a complement to what DCA does in this area.

Recommendation

Transfer the Small County Technical Assistance Program to DCA.

- The program is more consistent with the mission of DCA.

Division of Emergency Management

The mission of the Division of Emergency Management (DEM) is to ensure that Florida is prepared to respond to emergencies, recover from them, and mitigate against their impacts. Although the Division of Emergency Management is administratively housed in the Department of Community Affairs, it is a separate budget entity and is not subject to the department’s control, supervision, or direction. The Legislature appropriated \$426,007,062 and 136 full-time equivalent positions to the division for Fiscal Year 2009-10. The division was also appropriated 150 OPS positions.

Hazard Mitigation

There are two state agencies that administer residential mitigation programs. The Division of Emergency Management administers several federal and state programs designed to reduce or eliminate long-term risk to human life and property from disasters by reducing the impact of future disasters (see table). DEM also provides funding to Tallahassee Community College (TCC) to operate the Mobile Home Tie-Down Program. The Department of Financial Services administers the My Safe Florida Home Program (MSFH).⁴

⁴ DCA operates a Hazard Mitigation Planning program, intended to help local governments integrate hazard mitigation principles into their comprehensive plans.

Division of Emergency Management

Pre-Disaster Mitigation Program - The Pre-Disaster Mitigation Program is a competitive federal grant program developed to assist state, local, and tribal governments in planning and implementing cost-effective hazard mitigation activities prior to disasters. The intent of the program is to reduce overall risk to people and property while also minimizing the cost of disaster recovery. Only the state emergency management agency or a similar office assigned the primary responsibility of emergency management may apply to FEMA for funding under this program. DEM reviews submitted projects to verify appropriateness, consistency with state and local mitigation strategies, cost-benefit, eligibility, and completeness before submitting the project to FEMA.

Residential Construction Mitigation Program - The Residential Construction Mitigation Program (RCMP) usually receives \$7 million out of a total of \$10 million annual appropriation from the Florida Hurricane Catastrophe Fund. Florida Statutes prescribe that fifty percent (\$3.5 million) is designated for the improvement of residential homes wind resistance. The wind resistance program provides competitive grants for mitigation, education, and public outreach. DEM acts as the state administrative agency in disbursing appropriated funds according to Florida Statute. Forty percent of the \$7 million (\$2.8 million) is designated for the Mobile Home Tie-Down Program. DEM provides this funding directly to Tallahassee Community College to operate the tie-down program. Since October 2006, 6,065 homes have been retro-fitted with new foundation systems by the program. The remaining 10 percent (\$700,000) is designated for hurricane research conducted by Florida International University.

Hazard Mitigation Grant Program - This program is disaster driven, in other words, funds are only available after a declared (major) disaster event. The funding is based on a percentage of Public Assistance and Individual Assistance award amounts. Florida has an Enhanced Hazard Mitigation Plan that has been accepted by FEMA; therefore, the percentage is 20%, which is higher than it otherwise would be. The objectives of the Hazard Mitigation Grant Program are to prevent future losses of lives and damage to property due to disasters; implement state or local hazard mitigation plans; enable mitigation measures to be implemented during immediate recovery from a disaster; and provide funding for previously identified mitigation measures that benefit the disaster area. ⁵

Department of Financial Services

My Safe Florida Home Program - In 2006, state lawmakers took action and appropriated \$250 million to create the My Safe Florida Home program. The program was created to help Floridians identify and make improvements to strengthen their homes against hurricanes through free wind inspections and grant funds. The Florida Legislature directed the My Safe Florida Home program to target its resources to homeowners living in single-family, site-built homes in Florida by providing free wind inspections and grants to eligible homeowners. Since the program's creation in 2006, more than 425,000 homeowners have applied for a free hurricane mitigation inspection. As of January 30, 2009, of the 391,216 inspections completed 213,478 homeowners, or 55 percent, are eligible for insurance savings without making a single improvement. This represents a potential \$46.9 million in wind insurance savings statewide. As of January 30, 2009, 26,383 homeowners have been reimbursed by the program for more than \$88 million. The average reimbursement per homeowner is approximately \$3,500. Of more than 39,000 grants awarded approximately 37 percent have been awarded to low-income homeowners. My Safe Florida Homes also provides

⁵ DEM also provides federal disaster relief directed to supplement the efforts of state and local governments to restore public infrastructure following a disaster and serves as the State Coordinating Agency for the National Flood Insurance, Flood Mitigation Assistance, Repetitive Flood Claims and Severe Repetitive Loss programs.

measurements of Reduction of Total Insurance Industry Liability, Savings in Total Florida Hurricane Catastrophe Fund Premiums, Savings in Private Market Reinsurance Premiums, and Reduction of Homeowner Deductible Liability. Due to budget constraints, the program expired on June 30, 2009.

Program	Primary Source of Funding	State Agency	Performance / Measurements
Pre-Disaster Mitigation Program	Federal	DEM	<ul style="list-style-type: none"> - Managed \$34,344,443 - Closed 36 wind retrofit projects, 4 drainage projects and 2 planning projects - Currently ongoing or pending: 3 plans, 3 drainage projects and 15 wind retrofit projects totaling over \$17,500,000
Measured Benefits			See Mitigation Cost Avoidance Report required by FEMA www.floridadisaster.org
Residential Construction Mitigation Program	State	DEM	<p>Since 2006 this program has utilized up to \$3,500,000 annually to:</p> <ul style="list-style-type: none"> - Award 28 grants for low to moderate income homes (mitigating over 4,800 homes) - Award 22 grants to “priority areas” including mitigation construction techniques, training, and codes & standards projects - Award 15 education grants for public outreach about wind damage and mitigation - Award 8 grants that support non-regulatory, market-based approaches to wind damage mitigation - Grant 7 RCMP program implementation enhancement projects - Award 3 comprehensive mitigation planning grants and 1 low-interest loan program that supports residential mitigation
Measured Benefits			none
Residential Construction Mitigation Tie-Down Program	State	TCC	- 6,065 homes retro-fitted
Measured Benefits			none

Hazard Mitigation Grant Program	Federal	DEM	<p>Since January 1, 2004:</p> <ul style="list-style-type: none"> - Awarded 1,010 grants - Managed \$365,709,928 for mitigation - Assisted applicants for an additional \$134+ million in mitigation assistance, currently awaiting FEMA approval
Measured Benefits			See Mitigation Cost Avoidance Report required by FEMA www.floridadisaster.org
My Safe Florida Home Program	State	DFS	<ul style="list-style-type: none"> - 391,216 inspections completed - 37% of more than 39,000 grants awarded to low-income homeowners - Average reimbursement approximately \$3,500 - Savings in Private Market Reinsurance Premiums - Reduction of Homeowner Deductible Liability
Measured Benefits			<ul style="list-style-type: none"> - 55% were eligible for insurance savings without making an improvement - Reduction of Total Insurance Industry Liability - Savings in Total Florida Hurricane Catastrophe Fund Premiums

Source: Departmental responses to specific information requests

Findings

- Pursuant to s. 215.559 (4) F.S., TCC is to provide an annual report that includes among other things ...“whether there has been an increase in availability of insurance products to owners of manufactured or mobile homes.”
 - There is no evidence that this information has been collected or reported.
- Strong oversight and performance measures are necessary to ensure that the state is receiving the maximum return on investment.
 - Only MSFH has developed and instituted a method of measuring the effectiveness of the program.
- Of the \$2.8 million appropriated for the tie-down program, TCC retains \$150,000 and its contractor \$50,000 for administrative expenses.

Recommendation

Develop transparent procedure to award grants with measurable benefits on all programs.

- Measures of performance should include but not be limited to, reduction of exposure to the Florida Hurricane Catastrophe Fund, savings in homeowner insurance, increase in the availability of insurance, and leveraging of local and/or federal funds.

Hurricane Loss Mitigation Program Advisory Council

The Hurricane Loss Mitigation Program Advisory Council is responsible for advising the division in support of the Residential Construction Mitigation Program. The council makes recommendations for approving applications for program grants to state or regional agencies, local governments, and private organization, which are awarded to help these entities implement projects intended to enhance residential wind mitigation. The council also annually reviews and approves Florida International University's hurricane research work plan. Division staff provide administrative support to the council.

Findings

- DEM already handles a number of federal mitigation grant programs.
- The existing State Mitigation Plan Advisory Team, can be utilized to provide addition public input into the grant process.

Recommendation

Abolish the Hurricane Loss Mitigation Program Advisory Council.

Department of Management Services

The Department of Management Services (DMS) is the administrative arm of state government. The department delivers services to state and local governments to help these governmental entities deliver front line services to citizens and provides essential tools for agency administrators to manage effectively and employees to work efficiently. Its mission is "providing smarter, better, faster services." The Legislature appropriated \$551,341,880 and 846 positions to the department for Fiscal Year 2008-09. ⁶

Cabinet Agency

The Department of Management Services (DMS) was created in 1992. The head of DMS is the Secretary of Management Services, who is appointed by the Governor, subject to confirmation by the Senate. Before its creation, many of the duties that DMS currently undertakes were performed by an agency under the direction of the Governor and Cabinet. (S-09-323)

Findings

Governance frameworks are generally created to provide new capability for decision-making in organizations. More and more governments are organizing programs and service areas from an enterprise perspective. The following reports have all provided examples of the need for such a structure in an agency having responsibility for state-wide programmatic issues.

While the State's Leasing Process Uses Reasonable Processes, Centralizing Responsibility for Real Estate Management and Implementing Other Improvements Would Generate Savings
(OPPAGA, February 24, 2010)

In its review of the DMS Lease Management Program, OPPAGA found that in addition to the DMS program, many state agencies also have leasing staff at their headquarters and field offices. During the review, DMS managers indicated that they need to collect additional information on agency

⁶ The funding and staffing information does not include information on the eight independent entities housed at the department.

space usage in order to implement the recommendations in the department's 2009 strategic leasing plan and identify space that could be reduced and specific, cost-effective methods for doing so. The department also asserted that it lacks a system to maintain the data it would collect if it conducted the review. In addition, DMS staff reported that they do not have sufficient authority to direct agencies to co-locate or adopt other space reduction strategies.

Florida Has Made Limited Progress in Streamlining Business Processes; One-Stop Portals of Benefit to Some Other States (OPPAGA, #10-22)

In its review of the Department of State's progress in establishing a master business index to streamline business start-up requirements, OPPAGA recommended implementing a business one-stop portal in Florida. OPPAGA found there were several components key to implementation of a business one-stop portal. The states noted that it is critical for the initiative to be championed by chief executives, and agency participation should be mandatory. It is important to establish a clear governance structure for the effort, and the system should be designed with the assistance of stakeholders including business groups.

Plan for a Comprehensive Database of State-owned Real Property (Department of Management Services, January 2010)

SB 2009A-44 required the DMS to evaluate state-owned real property and submit a report on March 3, 2009, identifying surplus real property for disposition. The department identified multiple sources containing real property information, albeit disparate information. The department noted that information available to the state is scattered among multiple databases and formats, each serving a different purpose. The fragmented sources of information, as opposed to a comprehensive inventory of real property, lead to inconsistencies and gaps in data required to determine the strategic value of the property.

Report to the Governor on MyFloridaMarketPlace, People First and Project Aspire (Council on Efficient Government, #R08-002)

In its review of these three projects, the Council on Efficient Government found consistent issues with implementation due to the lack of strong governance.

- Each agency was allowed to mimic their existing approval processes in the new system, without taking advantage of the opportunity to streamline their procurement process.
- Although the original driving force behind People First was the Executive Office of the Governor, the office deferred the responsibility for implementing the outsourcing to the sitting DMS secretary, despite this position having no authority over other agencies to enforce compliance in the initiative. Due to the lack of strong executive sponsorship with commensurate authority, the implementation team incurred many challenges when attempting to institute a standardized business process. Agencies were resistant to change and to move away from existing business processes.
- The lack of standardization [with Aspire] has caused complexities. The executive sponsor must build consensus among diverse groups and staff levels, with the authority to resolve disputes and ensure cooperation. This person is usually a senior member of the project team, and on larger projects, a senior executive in state government. For Florida's largest and most complex projects this would correspond to the Governor, cabinet member or agency head. Loss of or weak executive sponsorship can negatively impact the success of the project.

MyFloridaMarketPlace (BCP International Limited through contract with OPPAGA, #09-MFMP)

BCPI found that MFMP needs a governance body with the responsibility and authority to oversee and implement statewide policies and procedures that will aid the successful delivery of a statewide eProcurement solution. BCPI noted that if a strong governance body existed, it could mandate that all agencies must fully use the system, prohibit use of shadow systems, make decisions on standardization of business processes rather than customizing the code, enforce standard utilization of the system and “MyFloridaMarketPlace” facilitate a comprehensive change management and communication program.

People First (Equaterra through contract with OPPAGA, #09-PF)

Equaterra noted that DMS was tasked to work with Convergys in developing and implementing People First; DMS did not have the authority to require State users to move to more consistent HR processes to promote standardization within People First. People First was configured or customized to deal with unique circumstances in each agency despite the opportunity to reduce many of these specializations in favor of standardization. DMS has only limited visibility into how or why agencies are utilizing People First and again, lacks the necessary authority or executive sponsorship to drive needed standardization.

Project Aspire Evaluation, Final Report (Gartner, 2007)

Gartner noted that there is a lack of an executive governance process to provide discipline, executive guidance and decision making. Consequently: software has been customized beyond normally accepted limits; process standardization has not been addressed; and expectations of financial leaders throughout State departments and agencies are not consistent.

Enterprise Information Technology Senate Review and Study (#2007-140)

Despite this significant annual investment, Florida does not have an effective and durable enterprise IT governance structure for decision-making and accountability...The absence of an effective IT governance structure has promoted and sustained a culture focused on individual agency IT operations rather than on maximizing the overall value of IT to the state. This has resulted in a proliferation of unnecessarily redundant systems creating a costly and complex state IT landscape. The report noted that the organization of Florida state government presents challenges to enterprise IT governance. In addition to the constitutional separation of powers among the three branches, Florida’s executive branch includes an elected Cabinet with both constitutional and statutory duties that further subdivides (or apportions) governance responsibilities. This structure is unique among all 50 states. The state does not have enterprise policies, structures, and standards for planning, managing, and implementing IT projects within an agency and across multiple agencies.

Recommendations

Make DMS a Cabinet agency. The current oversight structure of DMS limits its effectiveness in implementing enterprise wide efficiencies.

Florida Advisory Council on Small and Minority Business Development

Mandated to advise and assist the Secretary of the department in carrying out his/her duties involving minority business and economic development.

Findings

- The council does not appear to be fulfilling its statutory mission.
- Department staff have been unable to find any record of council annual reports being submitted (although a report has recently been provided).
- Council has spent significant time reviewing and editing the Office of Supplier Diversity's 2006-2007 Annual Report, a duty not statutorily assigned to the council.
- The council did not advise the secretary or the Legislature on small and minority business developments as required.
- The value of the council appears to be in input given to the Office of Supplier Diversity (OSD).

Recommendation

Continue with modification, to include directing the council to advise and assist the department's Office of Supplier Diversity rather than the department secretary.

- Eliminate the requirement to report to the Governor, the department's secretary, and the Legislature.

Council on Efficient Government

Required to review, evaluate, and issue advisory reports on state agency outsourcing business cases that propose projects over specific cost thresholds.

Findings

- The council has developed standards and best practice procedures for agencies to use when developing business cases as well as a standardized process for reviewing business cases.
- Staff have reviewed business cases submitted by agencies; however, none of the projects met the minimum \$10 million threshold required by statutes for full council reviews.
- The council was appropriated \$500,000 and 4 FTE, of which two are currently vacant.

Recommendation

Eliminate the council and staff, but maintain the business model requirement for agencies that are considering an outsourcing initiative.

- The business case tools developed by the council can reside with the Office of Policy and Budget and be used by agencies in preparing their legislative budget requests.

Florida State Employee Wellness Council

Created to advise the department on providing health education information to state employees and to assist the department in developing minimum benefits for all health care providers.

Findings

- The council does not appear to be fulfilling its statutory mission.
- The department is not aware of the council having encouraged state employees to participate in wellness programs or developed standards and criteria being.
- Council duties related to wellness programs have also been assigned to other state entities.

Recommendation

Abolish. In lieu of the council, the department should coordinate with the Department of Health and the Governor's Council on Physical Fitness for assistance in disseminating health education information and developing minimum health care benefits for all health providers.

Minority Business Certification Task Force

Mandated to advise and assist the Secretary of the department in carrying out his/her duties involving minority business and economic development.

Findings

- The task force has fulfilled its statutory mandate and has not met in recent years.

Recommendation

Abolish the task force.

Florida Commission on Human Relations _____

The Florida Commission on Human Relations (FCHR) investigates allegations regarding discrimination based on sex, age, race, national origin, religion, disability, color, familial status or marital status in the areas of employment, housing, public accommodations and certain private club memberships. The commission also investigates complaints of state employee whistle-blower retaliation. In addition, the commission provides training and technical assistance to businesses, individuals, and community groups regarding the laws and best practices in the areas of housing and employment discrimination, provides training on hate crimes and human trafficking, and facilitates community forums to promote open dialogue and foster tolerant communities. The commission provides these services by carrying out responsibilities under the following acts.

- **Florida Civil Rights Act** cases include violation of any Florida statute that makes it unlawful to discriminate because of race, color, religion, gender, national origin, age, disability, familial status, or marital status in the areas of employment, housing, or certain public accommodations.
- **Fair Housing Act** cases concern discrimination in the sale of rental or housing, brokerage services, financing of housing or residential real estate transactions, and land use decisions and permitting for development.
- **Whistle-Blower Act** cases pertain to retaliation against any employee who reports violations of the law on the part of a state agency or discloses information alleging improper use of governmental office, gross waste of funds or other abuse or neglect of duty on the part of an agency, public officer, or employee.

The commission is comprised of 12 members appointed by the Governor for four-year terms and subject to confirmation by the Florida Senate. Members of the commission broadly represent various racial, religious, ethnic, social, economic, political, and professional groups within the state, with at least one member age 60 or older.

For Fiscal Year 2009-10, the Legislature appropriated the commission \$4.3 million, of which \$3.2 million was from general revenue and \$1.1 million from trust funds. The Legislature also appropriated 55.5 FTE for Fiscal Year 2009-10 for the commission to carry out its statutory responsibilities.

Appeal of No Cause Determinations

When the commission determines reasonable cause that a discriminatory practice has occurred in violation of the Florida Civil Rights Act of 1992, the aggrieved person may either bring civil action against the person named in the complaint in a court of competent jurisdiction or request an administrative hearing. The administrative hearing can be heard by the commission, provided that the final order is issued by members of the commission who did not conduct the hearing, or the commission may request that it be heard by an administrative law judge.

If the commission determines that there is *no* reasonable cause to believe that a violation has occurred, the aggrieved person may request an administrative hearing that must be heard by the Division of Administrative Hearings (DOAH).

Findings

- Since July 1, 2006, only 1% of FCHR's determinations of *no* cause, for employment and public accommodations, have been reversed and only 4% of FCHR's determinations of *no* cause, for fair housing, have been reversed.

**225 Recommended Orders Issued by DOAH for
FCHR Employment & Public Accommodations Determinations
FY 2006-2007, 07-08, 08-09, 7/1/2009 – 11/30/2009**

FCHR's Determination Type	DOAH's Recommended Order	Percent Reversed by DOAH
188 No cause	186 No Cause	1%
	2 Cause	
15 Cause	1 Cause	93%
	14 No Cause	
22 No Jurisdiction	22 No Jurisdiction	9 %
	2 Jurisdictional	

**59 Recommended Orders Issued by DOAH for
FCHR Fair Housing Determinations
FY 2006-2007, 07-08, 08-09, 7/1/2009 – 11/30/2009**

FCHR's Determination Type	DOAH's Recommended Order	Percent Reversed by DOAH
48 No cause	46 No Cause	4%
	2 Cause	
1 Cause	0 Cause	100%%
	1 No Cause	
2 No Jurisdiction	2 No Jurisdiction	0%
	0 Jurisdictional	

Source: Florida Commission on Human Relations

- Since July 1, 2006, 86% of the orders issued by DOAH were for commission determinations of **no** cause, for a total cost of over \$3 million.

**Total FCHR's Appropriation for DOAH for
FY 2006-2007 through 2009-2010**

Fiscal Year	DOAH Appropriation	86% of Appropriation
2006-2007	\$990,621	\$851,934.06
2007-2008	\$1,323,356	\$1,138,086.16
2008-2009	\$704,084	\$605,512.24
2009-2010	\$594,903	\$511,616.58
Total	\$3,612,964	\$3,107,149.04

Source: Florida Commission on Human Relations and the Division of Administrative Hearings

Note: Agency transfers to DOAH are contained in the General Appropriations Act (GAA) and are based on actual hearing hours held two years prior to enactment of the GAA.

- State law provides that in lieu of filing the complaint with the commission, a complaint may be filed with the federal Equal Employment Opportunity Commission (EEOC). The EEOC does not provide for an appeal of a **no** reasonable cause decision.

Recommendation

Require a filing fee of \$200 to access a DOAH hearing when the commission has determined that **no** reasonable cause exists for the discriminatory claim.

- The fee would be waived if the aggrieved person is determined to be indigent.
- If the aggrieved person prevails, the filing fee could be recovered.

Department of Children & Family Services

The Department of Children and Families is responsible for protecting vulnerable populations such as children and elders from abuse and neglect, providing economic assistance to qualifying individuals and families, and treating individuals and families affected by mental health or substance abuse problems. The department has outsourced many direct services for its clients through contracts with private, not-for-profit entities. For Fiscal Year 2009-2010 the department was appropriated \$2,988,870,994 and 13,268.50 FTE and 635 OPS.

Childcare Regulation

Currently, there are three state agencies to regulate childcare facilities. These agencies are the Department of Children and Families, the Agency for Workforce Innovation (AWI) and the Department of Health (DOH).

The Department of Children and Families' (DCF) Child Care Services Program is statutorily responsible for administering childcare licensing and training in 61 of the state's 67 counties. State law also provides that county governments with licensing standards that meet or exceed state minimum standards may designate a local licensing agency to license childcare facilities in their county. Currently, six counties have state-approved local licensing and inspection programs. In the remaining counties, the Department of Children and Families' Child Care Services Program performs childcare regulatory and compliance activities.

As of June 30, 2009, the state Child Care Services Program regulated 8,411 childcare facilities and homes in 61 counties. According to DCF, these childcare establishments could serve approximately 439,000 children. These licensed providers include childcare facilities, family childcare homes, and large family childcare homes. Staff in the department's licensing units, located in most counties, inspects facilities a minimum of three times-per-year and licensed homes two times-per-year. In addition, staff conducts follow-up inspections and provides technical assistance to ensure deficiencies found during inspections are corrected.

The Legislature appropriated \$18.4 million and 137.5 full-time equivalent positions to the Child Care Services Program for Fiscal Year 2009-10. The program's primary source of revenue is the federal Child Care Development Fund, placed in the Federal Grants Trust Fund. These funds are distributed to states and are used to operate childcare subsidy programs and improve the quality and availability of childcare.

Florida law also requires two other state agencies to regulate childcare establishments. These agencies are the Agency for Workforce Innovation (AWI) and the Department of Health (DOH).

The Agency for Workforce Innovation – In 2001, the Legislature transferred the responsibility for administering the School Readiness Program (previously called Subsidized Child Care) to the Agency for Workforce Innovation and the early learning coalitions. Pursuant to Florida law, the Agency for Workforce Innovation administers the School Readiness and Voluntary Prekindergarten Education (VPK) programs and the Child Care Resource and Referral Network. The agency works with 31 local early learning coalitions that provide School Readiness and VPK services through a network of child care providers.

A childcare provider that also provides a Voluntary Pre-kindergarten Program (VPK) must comply with standards monitored by Early Learning Coalitions as agents of the Agency for Workforce Innovation. Early Learning Coalitions have established a variety of local quality rating systems, as

well as environmental rating scales for school readiness programs that vary from location to location. These local rating systems continue to confuse the industry and create further duplication.

Most of the information required for verifying VPK compliance is collected by DCF and currently available within DCF's information system, which is accessible to the Early Learning Coalitions. The single exception is curriculum verification, and this can be easily assumed and reported by DCF. The Department would then work with AWI and the Early Learning Coalitions to provide documentation of compliance for VPK requirements, such as for background screening, professional early childhood credentials, staff-to-child ratios, emergent literacy, and curriculum⁷.

Department of Health – The Department of Health's Environmental Health Program is charged with detecting and preventing disease caused by natural and manmade factors in the environment. As part of this program, the department inspects group care facilities including childcare facilities and specialized child care centers for the mildly ill. As instructed in law, the Department of Health contracts with county health departments to conduct environmental health inspections of these facilities. In addition, four of the six counties with local licensing agencies have contracted with county health departments to carry out inspection functions.

Findings

- **Agency for Workforce Innovation** – Based on data provided by DCF and the Agency for Workforce Innovation, it is estimated that coalitions conduct annual reviews of roughly 77% of the licensed childcare establishments that are also inspected by DCF. Most coalition monitoring reviews focus on issues that differ from those addressed in DCF inspections; coalition reviews include an examination of several educational quality items not covered by DCF's inspections. However, the monitoring visits of almost one-third of the coalitions (9 of 31 coalitions, 29%) also include an evaluation of adherence to health and safety standards that are very similar to or duplicative of the items examined by DCF during its inspections or the local licensing agencies.⁸
- **The Department of Health** – The department, through its contract with the county health departments, conducts annual environmental health inspections of 66% of the licensed child care establishments also inspected by DCF; the remaining facilities are licensed family day care homes and large family child care homes that are not included in the Department of Health's statutory inspection responsibilities. In addition, there is duplication in the specific items that both agencies examine during their inspections. A review of the checklists used by the two agencies found that both examine many of the same items in 11 of the 63 areas on the checklist used by DCF inspectors.

Recommendation

It is the recommendation of the Joint Sunset Committee that the Department of Children and Families should be the exclusive state agency to inspect childcare facilities. AWI, Department of Education, and DOH shall be required to incorporate their inspection requirements within DCF's inspection process. The goal is to have one agency inspector gather all necessary information. DCF may grant, through interagency agreement, a waiver of consolidation if it is determined between the agencies that the consolidation cannot be accomplished without jeopardizing the health and safety of children. If this determination is made, the agencies shall document the rationale for the waiver, and provide recommendations to the Legislature to address such issues.

⁷ Letter from the Department of Children and Families to the Honorable Ronda Storms, February 18, 2010

⁸ OPPAGA Research Memorandum "Child Care Services Placement Options for Legislative Consideration," December 30, 2009

It is also recommended the Legislature amend statutes to provide clear authority for AWI to direct Early Learning Coalitions at the state level, to prevent future duplication of effort.

Family Day Care Homes

Currently DCF provides licensure and inspection services for six counties—Clay, Duval, Miami-Dade, Nassau, Polk, and St. Johns—that have passed local ordinances to require the licensure of family day care homes⁹.

Findings

- S. 402.313 F.S., allows counties, who are not local licensing authorities, to pass a local ordinance to require the licensure of family day care homes.
- If a county passes a local ordinance, and is not a local licensing authority, the department is responsible for such licensure.
- Currently Florida law does not allow DCF to charge counties for these additional services¹⁰.
- Approximately six FTEs are required to conduct inspections of family day care homes in these counties at a cost to the state approximately \$300,000 annually, based on the most recent DCF inspector salary and benefit data available.

Recommendation

It is the recommendation of the Joint Sunset Committee that the Legislature amend the statute to require local governments to bear the cost of additional licensing requirements, when such requirements are a result of a local ordinance.

Family Builders Program

The 1990 Florida Legislature created the Family Builders program to expand the Department of Children and Families' family preservation services for families involved with the child welfare system. Family Builders services were designed to assure the safety of children and allow them to remain with their families instead of entering out-of-home care, such as shelter and foster care, because of abuse or neglect. The program also offered short-term reunification services to return children to their families when the children had recently entered foster care. The department contracted with 28 nonprofit community agencies throughout the state to provide a set of short-term, intensive, in-home crisis intervention services to teach skills and provide supports to achieve long-term changes within at-risk families¹¹. Family Builders agencies provided clinical services such as comprehensive assessments, family therapy, counseling, and parenting and crisis training; and support services such as financial assistance, homemaker and childcare services, food, and help with accessing community resources.

⁹ Section 402.313(1), *F.S.*, includes a provision that allows a county to require the licensure of family day care homes through local ordinance. In the six counties that have passed such an ordinance, DCF has assumed the responsibility for licensing family day care homes. According to the department, ss. 402.313(1) and 402.308, *F.S.*, read together, do not appear to require that a county establish itself as a local licensing agency in order to require that family day care homes in the county be licensed.

¹⁰ Section 402.315(2), *F.S.*, requires the department to bear the costs of the licensing of childcare facilities when contracted to do so by a county.

¹¹ The Legislature did not directly appropriate funding for the Family Builders program.

Findings

- The 1998 Legislature directed the Department of Children and Families to outsource Florida's child welfare services, including family preservation, to community-based entities known as lead agencies.⁴
- State-designed and operated child welfare programs such as Family Builders were transitioned to be administered by community-based entities.
- April 2005, the department had outsourced child protective services statewide, eliminated funding, and contracts for the Family Builders program.

Recommendation

Community-based care replaced state-designed and operated programs, such as Family Builders, with local service delivery networks intended to meet the unique needs of communities. As a result, the department discontinued all funding for the Family Builders program by 2005. As the provisions of ss. 39.311 – 39.318, *Florida Statutes* are no longer needed; the Legislature should repeal these sections of statute.

Department of Children and Families and the Agency for Persons with Disabilities Administrative Services

When the Legislature established APD, it directed the agency to enter into an interagency agreement with DCF for the provision of administrative and operational services. Under the law, the department is to continue to provide these services to the agency for as long as necessary. In addition, APD entered into a second service-level agreement with DCF to provide for its information technology services.

In 2004, the Legislature transferred responsibility for programs serving persons with developmental disabilities from Department of Children and Families (DCF) to the newly created **Agency for Persons with Disabilities** (APD). The agency ensures the safety and well-being of clients with developmental disabilities and provides opportunities for clients to work, socialize, and recreate as active members of their communities. APD operates state-run institutional programs, administers the programmatic management of Medicaid waivers established to provide services to persons with developmental disabilities, and works with local communities and private providers to identify and assist persons who have developmental disabilities. ADP administers the developmental disabilities program through a central office, 4 state developmental disabilities centers, and 14 area offices. For Fiscal Year 2009-10, the Legislature appropriated the agency over \$1 billion and 3,403 positions.

Through an administrative service-level agreement, DCF currently provides assistance with the following services to APD: background screenings, contract administration services, financial management services, human resources services and general services (which includes functions such as property, records, facilities and fleet management and purchasing). As provided by the Legislature, the funding for these services remains with DCF rather than APD. A number of problems developed between the two entities because the original service agreement did not clearly outline the specific terms or deliverables regarding DCF's responsibilities, which resulted in communication problems and dissatisfaction for both parties. In 2008, the agency and the department established a new service-level agreement that more clearly outlines department and

agency responsibilities. As a result, DCF and APD staff report improvements in communication and in their overall working relationship¹².

Findings

- State policy requires agencies to maximize reimbursement of federal funding whenever possible.
- Federal law allows for reimbursement of indirect costs for entities administering federal grants and programs. However, an agency can seek reimbursement for only its indirect cost rate, the administrative costs incurred to support its own programs.
- Neither DCF nor APD can seek federal reimbursement for any of the indirect costs associated with the administrative services the department provides to the agency.
- DCF estimated that its administrative expenses for providing services to APD during Fiscal Year 2007-08 were \$1.68 million. Therefore, the state forfeited approximately \$640,000 in federal reimbursement during this period (based on a reimbursement rate of 38%).
- DCF and APD have jointly recommended that \$1.1 million in General Revenue and \$700,000 in Trust Fund budget be moved from the Department of Children and Families to the Agency for Persons with Disabilities in order to allow the Agency to completely assume their administrative support functions.
- APD indicated they would not need positions or rate to be transferred in order to administratively independent.¹³

Recommendation

It is the recommendation of the Joint Sunset Committee that APD develop and implement a plan to perform all of its own administrative and operational functions within a specified time period. This plan would need to identify resource requirements and a timeframe for completing the transfer of responsibilities.

Behavioral Health Services Integration Workgroup

The workgroup was created to assess barriers to the effective and efficient integration of mental health and substance abuse treatment services across various systems, propose solutions to these barriers, and ensure that plans for mental health and substance abuse treatment services required by statute consider these solutions. The workgroup no longer serves a public purpose because it has ceased to function and the Florida Substance Abuse and Mental Health Corporation provides a similar service to the state.

Recommendation

Abolish – The workgroup no longer fulfills a public purpose and has already disbanded. The Florida Substance Abuse and Mental Health Corporation provide a similar service to the state.

¹² OPPAGA memo “The Department of Children and Families and the Agency for Persons with Disabilities Have Improved Their Working Relationship, but Several Problems Remain”

¹³ Department of Children and Families, Divestiture of Administrative Support for the Agency for Persons with Disabilities
February 15, 2010

Department of State

The Department of State's mission is to facilitate public access to government and enhance the quality of life for Floridians and their communities by; helping ensure the integrity of the business community; providing oversight to assure fair and accurate elections; preserving and promoting Florida's rich historical and cultural heritage, including serving as the official custodian of the State Seal; supporting local libraries; and gathering and providing public access to state records and information. The legislature appropriated \$79.9 million and 558 positions (including OPS) for fiscal year 2009-10.

Notary Publics

Currently two state agencies administer the notary public program. The Department of State, Notary Commissions and Certifications Section, processes routine notary applications and issues the commissions once approved for appointment. The Notary section in the EOG appoints, investigates complaints, and suspends notary publics as well as publishes and distributes educational materials, answers telephone inquiries from Notaries; conducts notary seminars; and maintains the on-line Notary Education Course.

The Department of State

The Department of State, Notary Commissions and Certifications Section, processes routine notary applications and issues the commissions once approved for appointment. The Department also maintains all the records on Notaries by keeping applications on file and in a database, which is easily accessible to the public. The Department does not have an appropriation specifically for the notary section other than the salaries, benefits, and standard expense packages for the two FTE's assigned to the program. That total is approximately \$90,000.

The Department of State currently has 440,503 commissioned Notaries in Florida. The division reported that in FY 2007-08, a total of 111,961 Public Notary Commissions (111,852) and Civil Law Notary Commissions (109) were issued. The average number of new applications (excluding renewals) received by DOS annually is 39,875 (average for last 4 years). The average number of commissions annually is 101,443 (average for last 4 years) and the average number of renewals annually is 64,527 (average for last 4 years)¹⁴.

The Executive Office of the Governor

The Notary section in the EOG has several functions. It appoints, investigates complaints, and suspends notary publics. It publishes and distributes educational materials, particularly the notary laws and the Governor's Reference Manual for Notaries; answers telephone inquiries from Notaries; conducts notary seminars; and maintains the on-line Notary Education Course. Although the Governor's Notary Section is not authorized to offer legal advice to Notaries, it does make every effort to help Notaries understand their duties. The Notary Section also assists the Governor by reviewing "special review" applications related to the applicants' eligibility for appointment and by reviewing complaints against Notaries and recommending disciplinary action when appropriate.

Notaries are appointed a commission by the Governor pursuant to section 117.01(1), Florida Statutes. DOS then issues the commission. Once a notary has been approved or appointed a

¹⁴ Data provided for the Department of State by the Executive Office of the Governor

commission, DOS's Notary Commissions Section issues a certificate with the Governor's and Secretary's of State's signature on it. The certificate is then mailed to the applicant/notary.

The appointment of a notary is a discretionary act by the Governor. If an applicant is denied a notary commission, the EOG updates the status in the Dept. of State's system for the bonding agencies to see. The bonding agency then notifies the applicant of the outcome. At that point, the applicant can either request reconsideration from the General Counsel or re-apply.

If a notary has committed fraud or does something that requires them to no longer be a notary, the EOG will ask the notary for their resignation. If they do not receive the notary's resignation, they will proceed to suspend their notary commission. Once an Executive Order (E.O.) is drafted to suspend a notary, the Deputy General Counsel, General Counsel and Chief of Staff reviews the E.O. prior to the Governor signing it.

The EOG receives about 25-30 new complaints per month. However, since June of 2009, the EOG has been receiving about 40 new complaints each month. With an average of 27 revoked commissions per year (average for last 4 years)¹⁵.

Findings

- The DOS's mission is to act as the administrative arm for notaries by processing applications and issuing commissions once the EOG has approved the appointment. DOS also keeps and maintains all records related to notaries, which is accessible to the public.
- The EOG's mission is to act as the regulatory arm for notaries. The EOG approves applications, follows up on any complaints and recommends disciplinary actions when appropriate, publishes educational materials and holds notary seminars, and answers any inquiries from notaries.
- Consolidating the regulation of notaries within DOS will provide applicants, current notaries, and the public with one point of contact for inquiries or complaints.
- Transferring the investigation and educational responsibilities from the EOG to the division would require the division to expand beyond its current ministerial role into a regulatory role – similar to its current responsibility in the administration of civil-law notaries.¹⁶

Recommendation

It is the recommendation of the Joint Sunset Committee that the Notary section, currently administered by the Executive Office of the Governor, be consolidated within the Department of State, Division of Corporation Notary section.

The Grove Advisory Council

The purpose of The Grove Advisory Council is to advise the Department of State on the operation, maintenance, preservation, and protection of the Call/Collins House in Tallahassee, commonly known as The Grove. This includes the grounds, cemetery, structures, and furnishings.

Recommendation

Abolish – The management, maintenance, and operation of the Grove should be assumed by a not-for-profit citizen support organization as the property evolves into a house museum.

¹⁵ Data provided for the Executive Office of the Governor by the Executive Office of the Governor

¹⁶ Agency Sunset Review of the Division of Corporations of the Department of State Senate Commerce Committee

State Historical Marker Council

The council identifies goals for the State Historical Marker Program and evaluates proposals for historical markers to be placed in Florida.

Recommendation

Abolish - responsibilities assumed by the Florida Historical Commission

Great Floridians Ad Hoc Selection Committee

The Great Floridians Ad Hoc Selection Committee helps select individuals who have contributed to the progress and welfare of the state for designation as a "Great Floridian."

Recommendation

Abolish - responsibilities assumed by the Florida Historical Commission

Folklife Apprenticeship Ad Hoc Advisory Committee

The Folklife Apprenticeship Ad Hoc Advisory Committee helps determine the teams of applicants (i.e., master artist and apprentice) selected to participate in the department's federally funded folklife apprenticeship program.

Recommendation

Abolish - responsibilities assumed by the Florida Folklife Council

Florida Library Network Council

The Florida Library Network Council is one of the entities that provide the department with advice regarding interlibrary cooperation, library network development, and oversight of the department's Florida Electronic Library Program.

Recommendation

Abolish - responsibilities assumed by the Library Information Services Council

Appendix A: OPPAGA Sunset Memoranda

The following reports are available on the [Joint Sunset Committee](#) website.

Office of Program Policy Analysis and Government Accountability Sunset Memorandum, *Department of Highway Safety and Motor Vehicles, Division of Motor Vehicles, Options for Legislative Consideration*, December 7, 2007

Office of Program Policy Analysis and Government Accountability, *Department of Community Affairs Advisory Committees Assessment*, December 2008 Report No. 08-S10

Office of Program Policy Analysis and Government Accountability, *Department of Community Affairs Overview*, December 2008, Report No. 08-S06

Office of Program Policy Analysis and Government Accountability, *Department Of Management Services, Advisory Committees Assessment*, December 2008, Report No. 08-S11

Office of Program Policy Analysis and Government Accountability, *Department Of Management Services Overview*, December 2008, Report No. 08-S07

Office of Program Policy Analysis and Government Accountability Sunset Memorandum, *While the State's Leasing Process Uses Reasonable Processes, Centralizing Responsibility for Real Estate Management and Implementing Other Improvements Would Generate Savings*, February 24, 2010

Office of Program Policy Analysis and Government Accountability Sunset Memorandum, *Department of Children and Families Overview*, December 2008, Report No. 08-S05

Office of Program Policy Analysis and Government Accountability, *Department of Children and Families Advisory Committees Assessment*, December 2008 Report No. 08-S09

Office of Program Policy Analysis and Government Accountability Sunset Memorandum, *Child Care Services Placement Options for Legislative Consideration*, December 30, 2009

Office of Program Policy Analysis and Government Accountability Sunset Memorandum, *the Department of Children and Families and the Agency for Persons with Disabilities Have Improved Their Working Relationship, but Several Problems Remain*, October 12, 2009

Office of Program Policy Analysis and Government Accountability, *Department Of State Overview*, December 2008, Report No. 08-S08

Office of Program Policy Analysis and Government Accountability, *Department Of State Advisory Committees Assessment*, December 2008, Report No. 08-S012

Office of Program Policy Analysis and Government Accountability, *Florida Has Made Limited Progress to Streamline Business Processes: Other States Have Realized Benefits From One- Stop Portals*, February 2010, Report No. 10-22

Appendix B: Excerpt from the 2008 Joint Sunset Committee Report

The following recommendation is an excerpt from the *Report of the Joint Legislative Sunset Committee*, March 2008.

Department of Highway Safety and Motor Vehicles

The mission of the Department of Highway Safety and Motor Vehicles is to develop, maintain, and support a safe driving environment through law enforcement, public education and service, reduction of traffic crashes, titling and registering motor vehicles and vessels, and licensing drivers. The department also will be responsible for implementing the federally mandated REAL ID Act, which creates national standards for the issuance of state driver's licenses and identification cards.

The department's programs and statutory responsibilities are organized in three operational divisions.

- Division of Driver Licenses
- Division of Motor Vehicles
 - Mobile Home Compliance and Enforcement Program
- Florida Highway Patrol

The department is funded through General Revenue and trust funds. The Legislature appropriated \$447.6 million and 4,957 positions to the department for Fiscal Year 2007-08. Through its activities, the department collected approximately \$2 billion in revenue in Fiscal Year 2006-07.

Mobile Home Inspections

The Joint Sunset Committee finds that under a contract with the federal Department of Housing and Urban Development (HUD), the Mobile Home Compliance and Enforcement Program monitors mobile home manufacturer's compliance with federal mobile home building code standards and investigates and resolves consumer complaints. The department also serves as HUD's State Administrative Agency and, per federal and state law, licenses, tests, and trains mobile home installers. In addition, the program administers the state warranty program. The program had a Fiscal Year 2006-07 budget of \$1.9 million but only generated revenue of \$838,934. Although the manufacture of mobile homes has declined, there has not been a corresponding reduction in program expenses.¹⁷

To reduce the size and cost of state government, the Joint Sunset Committee recommends that the state withdraw from the federal mobile home inspection contract, which will allow private inspectors to conduct inspections. Responsibility for inspecting mobile homes should be transferred to the federal government, which would then contract with private entities to provide inspections, as it does in 13 other states. The department should continue to serve as HUD's State Administrative Agency, investigate consumer complaints, and regulate installers. The policy should be implemented by January 2009. A determination must be made as to which positions should be eliminated from the Mobile Home Compliance and Enforcement Program. The department identified 20.4 positions as being associated with the Federal Inspection Program.

¹⁷ Office of Program Policy Analysis and Government Accountability Sunset Memorandum, *Department of Highway Safety and Motor Vehicles, Division of Motor Vehicles, Options for Legislative Consideration*, December 7, 2007.