



Scripps Florida Funding Corporation Complies with Requirements and Should Be Continued

at a glance

The Office of Tourism, Trade, and Economic Development and the Scripps Florida Funding Corporation are meeting statutory and contractual requirements related to the Scripps Florida research facility. In addition, the corporation is implementing reasonable contract management and monitoring processes.

The corporation's latest annual report to the Legislature and the Governor provides relevant information on Scripps Florida's performance and the development of Florida's biotech cluster. During Fiscal Year 2008-09, Scripps Florida hired 116 employees, of whom 45 were Florida residents. As of June 30, 2009, Scripps Florida had been awarded \$129,218,388 in research grants since establishing operations in Florida. Funds expended by Scripps Florida and its partners in Fiscal Year 2007-08 had an estimated economic impact of \$168.5 million on the state's gross domestic product and sustained an estimated 1,327 jobs.

Given that the state will continue to disburse funds to Scripps Florida until 2014, we recommend that the Legislature retain statutory authority for the corporation.

Scope

OPPAGA is required by state law to review the Governor's Office of Tourism, Trade, and Economic Development's (OTTED) and the Scripps Florida Funding Corporation's performance in carrying out their responsibilities relating to the establishment of the Scripps Florida research facility.¹ This report provides an update to our 2006 report that examined OTTED's and the corporation's performance.² In addition, as directed by law, this report includes a recommendation on whether the Legislature should retain the corporation's statutory authority.

Background

The Scripps Research Institute is a private non-profit biomedical research organization headquartered in La Jolla, California. Scripps scientists conduct basic research in the areas of immunology, molecular and cellular biology, chemistry, neurosciences, autoimmune diseases, cardiovascular diseases, virology and synthetic vaccine development.

¹ Section [288.955](#)(15), *F. S.*

² *Scripps Funding Corporation Meets State's Statutory and Contractual Requirements*, OPPAGA Report No. [06-61](#), September 2006.

Scripps Florida. In October 2003, the institute announced plans to open a research facility in Palm Beach County. The facility, known as Scripps Florida, was to focus on conducting biomedical research to discover treatments for diseases such as AIDS, Alzheimer’s disease, cancer, diabetes, hepatitis C, and schizophrenia.

In October 2003, the Legislature appropriated \$310 million from the General Revenue Fund to be used to pay for scientific equipment and staff salaries for Scripps Florida during its first seven years of operation.³ After a delay in finding a location for a permanent facility, this timeframe was changed to 10 years. In addition, Palm Beach County committed approximately \$269 million to pay for land and buildings to be used by Scripps Florida.⁴

In May 2006, the county, the state, and The Scripps Research Institute approved a proposal to build a permanent facility at a site adjoining the Florida Atlantic University campus in Jupiter.⁵ The 350,000-square-foot facility opened in February 2009. As of June 30, 2009, Scripps Florida employed 321 faculty, professional staff, research associates, graduate students, and technical and support services workers.

Scripps Florida Funding Corporation. The Scripps Florida Funding Corporation is a not-for-profit entity created by the Legislature to receive, hold, invest, administer, and disburse legislatively appropriated funds for the establishment and operation of Scripps Florida.⁶ The Legislature intended that the state financial support would help

- expand the amount and prominence of biomedical research conducted in the state;
- provide an inducement for high-technology businesses to locate in the state;
- create educational opportunities through access to and partnerships with Scripps Florida; and
- promote improved health care through the institution’s scientific outcomes.

The corporation is governed by a 10-member board. The Governor, the President of the Senate, and the Speaker of the House of Representatives each appoint three voting members to the board. The director of OTTED is an ex-officio, non-voting member.

As shown in Exhibit 1, the corporation is disbursing legislatively appropriated funds to Scripps over a 10-year period that began in 2004. The State Board of Administration invests undisbursed funds in U.S. government and agency securities, investment grade corporate debt, and high quality money market instruments. Funds are disbursed quarterly. As of September 2009, the corporation had disbursed \$226,913,250 of appropriated funds and \$21,672,285 in interest, for a total of \$248,585,535. The contract between OTTED and the corporation provides that Scripps receive all net income generated from invested funds.

³ The state received this funding from the federal Jobs and Growth Tax Relief Reconciliation Act of 2003.

⁴ Other entities including Florida Atlantic University and the City of Palm Beach Gardens provided support to the county.

⁵ Scripps Florida and Palm Beach County initially selected Mecca Farms in northern Palm Beach County as the site for Scripps Florida’s permanent facility. However, litigation delays prompted the parties to select an alternative site. Prior to completion of its permanent facility, Scripps Florida operated in temporary facilities at Florida Atlantic University’s campus in Jupiter, Florida.

⁶ See Section [288.955](#), *F. S.*

Exhibit 1
The Corporation Is Disbursing Funds to Scripps Florida Over a 10-Year Period

Year	Disbursements	Cumulative Total
2004	\$20,801,000	\$20,801,000
2005	55,309,000	76,110,000
2006	38,090,000	114,200,000
2007	35,759,000	149,959,000
2008	52,445,000	202,404,000
2009	32,679,000	235,083,000
2010	22,365,000	257,448,000
2011	32,786,000	290,234,000
2012	14,766,000	305,000,000
2013 ¹	5,000,000	310,000,000

¹ Grant year ends on March 14, 2014.

Source: *Scripps Florida Business Plan*, updated July 20, 2006.

As of April 30, 2009, the total market value of undisbursed funds invested by the State Board of Administration was \$118.6 million, with \$105.8 million invested in Fannie Mae and Freddie Mac bonds, and \$12.8 million invested in a money market fund. In July 2009, the Scripps Florida Funding Corporation Board of Directors shifted funds from Fannie Mae and Freddie Mac bonds to U. S. Treasury securities. The State Board of Administration expected that this shift would result in a potential net gain of approximately \$2.8 million in the funds to be disbursed to Scripps Florida.

Prior Findings

Our 2006 review determined that OTTED and the corporation had complied with statutory and contractual requirements and that the corporation had implemented reasonable contract management and monitoring processes. We also noted that the Legislature’s Office of Economic and Demographic Research had determined that state funds expended by the corporation in Fiscal Year 2004-05 had an estimated economic impact of \$136 million and had supported the creation of a projected 615 full-time and part-time equivalent jobs.

While we concluded that the corporation’s annual reports to the Legislature and the

Governor provided relevant information on Scripps Florida’s yearly performance, we also concluded that the reports should be expanded. Specifically, we recommended that future reports include information on performance trends to assist the Legislature in assessing Scripps Florida’s progress toward achieving the state’s goals.

We also recommended that the Legislature consider requiring the Office of Tourism, Trade, and Economic Development to provide an annual report on program activities and performance or require Enterprise Florida, Inc., to include information on Innovation Incentive Program activities and performance in its annual incentives report.⁷

Current Status

The Scripps Florida Funding Corporation has complied with statutory and contractual requirements

The Scripps Florida Funding Corporation continues to comply with its statutory and contractual requirements. The corporation has negotiated and executed a 20-year contract with The Scripps Research Institute. This contract includes several statutorily-required provisions, including disbursement conditions that Scripps Florida must satisfy before receiving funds from the corporation.

In addition, a contract between the corporation and OTTED requires the corporation to

- receive and review reports and financial documentation from Scripps Florida to ensure compliance with the law and the contract;

⁷ The Legislature established the Innovation Incentive Program in 2006 (Ch. [2006-55](#), *Laws of Florida*) to target funding toward businesses expanding or locating in the state, such as Scripps Florida, that are likely to serve as catalysts for the growth of existing or emerging technology clusters or will significantly impact the regional economy in which they expand or locate.

- prepare an annual report for submission to the Governor and the Legislature; and
- enter into an agreement with the State Board of Administration to invest funds not disbursed to Scripps.

The corporation performs these duties through its board of directors and three committees that oversee audits, reports, and investments. The Audit Committee periodically reviews Scripps Florida's financial information, including unaudited quarterly financial statements, audited annual financial reports, annual budgets, and annual reports. The committee also oversees compliance monitoring by the third-party auditor to ensure that Scripps Florida meets the terms of the contract. The Reports Committee reviews drafts of the corporation's annual report to ensure that it addresses the activities and outcomes of the corporation and Scripps Florida as required by law prior to the report's approval by the board of directors.

The Investment Committee reviews the State Board of Administration's monthly investment reports to ensure that undisbursed funds are invested in a manner consistent with the objectives in the agreement between the board and the corporation and that funds can be properly disbursed to Scripps Florida.

The Scripps Florida Funding Corporation has implemented reasonable contract management and monitoring processes

Florida law requires the Scripps Florida Funding Corporation to safeguard the state's commitment of financial support by ensuring that Scripps Florida meets its contractual obligations as a condition for receiving state funds. The law also directs the corporation to monitor compliance with the law and the contract by reviewing Scripps Florida reports and financial documentation.

The corporation has implemented reasonable contract management and monitoring

processes to meet these requirements. As described earlier, the corporation carries out this responsibility by reviewing Scripps Florida's unaudited quarterly and audited annual financial statements, annual reports, and other documents; contracting with a third-party auditor to conduct annual compliance audits of Scripps Florida; and monitoring the implementation of Scripps Florida's business plan.⁸

Scripps Florida is meeting its statutory and contractual requirements

A February 2009 report by the Scripps Florida Funding Corporation's third-party auditor concluded that as of January 29, 2009, Scripps Florida had complied with all of its requirements for the fifth year of the contract. For a list of these requirements and a summary of the auditor's findings, see Appendix A.

A particularly important statutory and contractual requirement for Scripps Florida is related to job creation. Specifically, by law and contract, Scripps must have created at least 280 new jobs by the end of its fifth contract year. As of December 31, 2008, Scripps had 282.80 jobs on a full-time equivalent basis. By June 30, 2009, Scripps had created 321 jobs. Of the 116 employees that Scripps Florida hired in Fiscal Year 2008-09, 45 were Florida residents.⁹ Employee salaries ranged from \$27,000 to \$250,000 (see Exhibit 2).

⁸ The business plan, which is required by law and by contract, describes how Scripps Florida intends to accomplish various goals, such as developing its infrastructure; developing outreach programs to educational institutions and regional and local communities; collaborating in research with institutions within and outside of Florida; and achieving financial self-sufficiency. The corporation assesses Scripps Florida's progress in becoming financially self-sufficient by reviewing the amount of grant funding reported in Scripps Florida's quarterly financial statements and the amount of private funding reported in its annual report.

⁹ Of the 45 Florida residents, 3 were in research associates positions, 17 were in scientific support positions, and 25 were in administrative positions.

Exhibit 2
Salaries for Scripps Florida Personnel Hired in
Fiscal Year 2008-09 Ranged from \$27,000 to
\$250,000

Category	Salary Range
Faculty	\$75,000-\$250,000
Research Associates	\$37,000-\$55,000
Scientific Support	\$27,000-\$130,000
Administration ¹	\$48,000

¹ Because this category covers numerous classifications and salaries, the corporation’s third-party auditor believes that an average is more representative than a range.

Source: Scripps Florida Funding Corporation and The Scripps Research Institute.

Scripps Florida also has made progress in implementing significant provisions of its business plan. For example, the plan states that Scripps Florida will apply for research grants from federal agencies (e.g., the National Institutes of Health) and other sources. This is important to Scripps Florida’s progress in becoming financially self-sufficient. As of June 30, 2009, Scripps Florida had been awarded research grants totaling \$129,218,388. This represents a substantial increase from the \$4,299,663 in research grants that Scripps Florida had been awarded as of January 29, 2006.¹⁰

In addition, the business plan states that Scripps Florida will develop collaborative efforts with Florida research entities. As of June 30, 2009, Scripps Florida had entered into collaborative agreements with five of Florida’s public universities and two private universities.¹¹

The corporation’s annual report contains relevant performance and biotech cluster development information

As required by law, the Scripps Florida Funding Corporation has submitted annual reports to the Legislature and the Governor that provide relevant information on Scripps Florida’s performance in various areas. The corporation’s 2008 annual report addresses Scripps Florida’s performance during that year in creating jobs, obtaining research grants from the federal government or other sources, obtaining patents, and executing licensing agreements.

The 2008 annual report also provides information about the development of Florida’s biotech cluster. Specifically, the report describes the activities of seven entities that have received funding from the state’s Innovation Incentive Program to locate facilities in the state that engage in biomedical research and other research and development activities.¹² This addresses an issue identified in our 2006 report regarding the Legislature needing information on the performance and status of Innovation Incentive Program award recipients. The 2009 Legislature further addressed the issue by passing Ch. [2009-51](#), *Laws of Florida*. This legislation requires OTTED, beginning in 2010, to annually submit a report summarizing the activities and accomplishments of Innovation Incentive Program grant recipients during the previous 12 months. It also requires OTTED to evaluate whether the recipients are catalysts for additional direct and indirect economic development in Florida.¹³

¹⁰ Research grant awards increased 2,905% over the period from January 29, 2006 to June 30, 2009.

¹¹ The public universities are Florida Atlantic University, Florida International University, Florida State University, the University of Central Florida, and the University of Florida. The private universities are the University of Miami, and Nova Southeastern University.

¹² These entities are the Burnham Institute for Medical Research, the Charles Stark Draper Laboratory, Inc., the Max Planck Florida Institute, the Miami Institute for Human Genomics, SRI International, the Torrey Pines Institute for Molecular Studies, and the Vaccine Gene Therapy Institute Florida Corporation.

¹³ Chapter [2009-51](#), *Laws of Florida*, also required OPPAGA to evaluate the Innovation Incentive Program and submit a report to the Legislature by March 1, 2010, and every third year thereafter.

State funds expended by Scripps Florida in Fiscal Year 2007-08 had an estimated impact of more than \$168 million and supported the creation of 1,327 jobs

During the corporation's Fiscal Year 2007-08, Scripps Florida expended \$26,241,244 of the funds disbursed to it by the Scripps Florida Funding Corporation.¹⁴ Florida Atlantic University and Palm Beach County also expended \$83,276,159 in support of constructing Scripps Florida's permanent facility. The economic activity generated through these expenditures include both the positions and direct salaries of Scripps Florida employees as well as the impact of the funds on the jobs and income of persons in various industry sectors, general business activity, and state and local tax revenues.

The Business Development Board of Palm Beach County used the IMPLAN econometric program to make three estimates of the economic impact of Scripps Florida.¹⁵

- ***Direct impacts.*** This estimate includes the salaries of Scripps Florida employees and the salaries of employees of companies involved in designing and constructing Scripps Florida facilities. It also includes tax revenues generated from expenditures directly related to Scripps Florida.
- ***Indirect impacts.*** This estimate represents the goods and services provided by local businesses and the companies responsible for designing and constructing Scripps Florida facilities. It also includes employment, income, and tax revenues resulting from the increase in local business economic activity.

- ***Induced effects.*** This estimate represents increases in state and local economic activity resulting from expenditures made by Scripps Florida employees and by employees of businesses directly or indirectly affected by Scripps Florida's purchase of local goods and services.

Exhibit 3 shows that the \$109,517,405 expended by Scripps Florida, Florida Atlantic University, and Palm Beach County in the corporation's Fiscal Year 2007-08 had an estimated total impact of \$168,496,014 on the state's gross domestic product. This includes direct impacts of \$100,063,815, indirect impacts of \$33,237,596, and induced impacts of \$35,194,603. The total impact also produced an estimated \$5,343,438 in state and local tax revenues. The IMPLAN model projects that the corporation's disbursements supported 1,327 full-time jobs.

¹⁴ Scripps Florida expended \$26,241,244 of the \$55,414,907 disbursed by the corporation during Fiscal Year 2007-08 (October 1, 2007 to September 30, 2008).

¹⁵ IMPLAN is a microcomputer-based, economic input-output modeling system that predicts the impact of expenditures on the state and local economies. Additional information on this modeling system can be found at www.implan.com.

Exhibit 3

Scripps Florida Produced a Substantial Economic Impact in Fiscal Year 2007-08¹

Type of Impact	Direct	Indirect	Induced	Total
Employment	767	254	307	1,327
Personal Income	\$37,825,837	\$12,830,161	\$11,716,171	\$62,372,170
Gross Domestic Product	\$100,063,815	\$33,237,596	\$35,194,603	\$168,496,014
Total Tax Revenues	\$1,692,825	\$1,338,691	\$2,311,923	\$5,343,438
State Tax Revenues	\$1,062,434	\$791,241	\$1,331,798	\$3,185,473
Local Tax Revenues	\$630,391	\$547,450	\$980,123	\$2,157,964

¹ Columns and rows may not add due to rounding.

Source: IMPLAN econometric estimate produced by the Business Development Board of Palm Beach County.

Conclusions and Recommendations

The Office of Tourism, Trade, and Economic Development and the Scripps Florida Funding Corporation are complying with statutory and contractual requirements, and the corporation has implemented reasonable contract management and monitoring processes. Moreover, the corporation’s latest annual report to the Legislature and the Governor provides relevant information on Scripps Florida’s performance and includes information about the development of Florida’s biotech cluster.

Scripps Florida has made progress towards achieving important statutory and contractual goals related to the creation of jobs for Floridians and pursuit of research grants. For example, of the 116 employees that Scripps Florida hired in Fiscal Year 2008-09, 45 were Florida residents. Scripps Florida has been

awarded research grants in the amount of \$129,218,388 since moving to Florida. In addition, Scripps Florida continues to positively affect the state and local economy. Specifically, funds expended by Scripps Florida and its partners in Fiscal Year 2007-08 had an estimated economic impact of \$168.5 million on the state’s gross domestic product and supported an estimated 1,327 jobs.

Given that the state will continue to disburse funds to Scripps Florida until 2014, we recommend that the Legislature retain statutory authority for the Scripps Florida Funding Corporation.

Agency Response

In accordance with the provisions of s. 11.51(5), *Florida Statutes*, a draft of our report was provided to the director of the Office of Tourism, Trade, and Economic Development, and the chairman of the Scripps Florida Funding Corporation. Written responses to the draft report are included in Appendix B.

Appendix A

Scripps Florida Generally Complied with Contract Standards as of January 29, 2009

The following table shows the requirements and deliverables contained in the contract between Scripps Florida Funding Corporation and The Scripps Research Institute dated January 30, 2004, that were reviewed by the corporation’s third party auditor. Overall, the third party auditor concluded 22 of the 24 standards were met while two were not applicable as the institute’s permanent facility had not been occupied for at least 18 months.

Performance Requirements and Deliverables	Standard	Actual	Compliance
1. Number of jobs created consistent with approved business plan?	280	282.8 ¹	Met
2. Number of jobs created verified?	Verified	Verified	Met
3. Average salaries of jobs created consistent with approved business plan?	Verified	Verified	Met
4. Average salaries verified?	Verified	Verified	Met
5. Person designated to assist in collaborative efforts with OTTED (beginning June 2004)?	Verified	Verified	Met
6. Compliance with OTTED's requests for cooperation verified by OTTED?	Verified	Verified	Met
7. Equipment purchases/contracts consistent with approved budget?	N/A	\$35,675,556	N/A ²
8. Equipment purchases/contracts verified?	Verified	Verified	Met
9. Uniform Commercial Code statement filed / updated for new capital equipment purchased during quarter?	Filed	Filed	Met
10. Required quarterly financial information provided?	Verified	Verified	Met
11. Liability insurance valid, with Funding listed as additional insured?	Valid	Valid	Met
12. Receipt of non-state funding sources consistent with budget?	N/A	N/A	N/A ³
13. Evidence of collaborative efforts with Florida universities delivered and verified?	Verified	Verified	Met
14. Report of dollar and value of grants?	N/A	\$118,066,328	Met
15. Evidence of workforce recruitment activities at public and private universities provided and verified?	Verified	Verified	Met
16. Evidence of policy to promote supplier diversity?	Verified	Verified	Met
17. Evidence of policy to use Florida vendors?	Verified	Verified	Met
18. Evidence that the Internet-based job listing system of the Agency for Workforce Innovation is being used?	Verified	Verified	Met
19. Establishment and implementation of policy of equal employment opportunities?	Verified	Verified	Met
20. Establishment and implementation of policy awarding preferences in employment to Florida residents, excluding professional scientific staff positions?	Verified	Verified	Met
21. Records made available in timely manner as required by the Scripps Florida Funding Corporation?	Verified	Verified	Met
22. Compliance with required applicable disbursement conditions verified?	Verified	Verified	Met
23. Verification that Scripps Florida is in good standing, has not declared bankruptcy, has filed any required tax returns?	Verified	Verified	Met
24. Certification by Scripps Florida that grant funds have been spent in accordance with operating and funding agreement and s. 288.955, F.S.	Verified	Verified	Met

¹ This is measured as the number of full-time equivalent jobs. However, the third-party noted that the contract does not specify a definition for the word 'job'. For example, a total of 290 people were employed at Scripps, while 277 were employed full-time. The third-party auditor used the full-time equivalent definition and recommended that the parties agree on which definition to use for compliance purposes.

² During the fifth year of the contract, Scripps Florida must purchase \$10 million of equipment within 18 months of occupying its permanent facility. The third-party auditor noted that Scripps had purchased \$3,349,752 worth of equipment for the contract year ending on January 29, 2009, leaving a balance of \$6,650,248. However, Scripps did not move in to its permanent facility until February 2009. Between February 1 and June 30, 2009, Scripps purchased an additional \$1,666,532 worth of equipment.

³ Requirement is not effective until 18 months after the permanent facility is occupied.

Source: The Scripps Florida Funding Corporation and *Monitoring Instrument Compliance, Scripps Florida, a Division of the Scripps Florida Research Institute*. Caler, Donten, Levine, Porter, and Veil, PA. January 29, 2009.

Appendix B



CHARLIE CRIST
GOVERNOR

STATE OF FLORIDA
Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

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October 15, 2009

Mr. Gary R. VanLandingham
Office of Program Policy Analysis and Government Accountability
111 West Madison Street
Room 312
Tallahassee, Fl 32399

Dear Mr. VanLandingham:

In accordance with the provisions of S.11.51 (5) Florida Statutes, the Governor's Office of Tourism, Trade and Economic Development ("OTTED") acknowledges the OPPAGA draft report dated September 2009 prepared by the Office of Program Policy Analysis & Government Accountability ("OPPAGA") which reviewed the Scripps Florida Funding Corporation & OTTED's performance in carrying out its responsibilities relating to the establishment of the Scripps Florida research facility.

My office appreciates the opportunity to review and respond to the report and submits that it has no comments to the draft report. We want to thank the OPPAGA staff for their thoroughness and professionalism in conducting its review. The OTTED is prepared to answer any questions relative to the report.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Brill".

Dale A. Brill, Ph.D.
Director
Office of Tourism, Trade and Economic Development

Cc (via email):
Ms. Michelle Dennard, Legal Counsel, Executive Office of the Governor
Ms. Kim Mills, Director of Auditing, Executive Office of the Governor
Mr. David Gury, Chairman, Scripps Florida Funding Corporation

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October 14, 2009

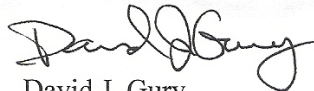
Mr. Gary R. VanLandingham
Office of Program Policy Analysis and Government Accountability
111 West Madison Street
Room 312
Tallahassee, Fl 32399

Dear Mr. VanLandingham:

In accordance with the provisions of S.11.51 (5) Florida Statutes, the Scripps Florida Funding Corporation ("SFFC") acknowledges the OPPAGA draft report dated September 2009 prepared by the Office of Program Policy Analysis & Government Accountability ("OPPAGA") which reviewed the corporation's performance in carrying out its responsibilities relating to the establishment of the Scripps Florida research facility.

The SFFC appreciates the opportunity to review and respond to the report and submits that it has no comments to the draft report. The SFFC wishes to thank the OPPAGA staff for their thoroughness and professionalism in conducting its review. The SFFC is prepared to answer any questions relative to the report.

Sincerely,



David J. Gury
Chairman

Cc (via email):

Dr. Dale Brill, Director, Office of Tourism, Trade and Economic Development
Ms. Michelle Dennard, Legal Counsel, Executive Office of the Governor
Ms. Kim Mills, Director of Auditing, Executive Office of the Governor

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Gary R. VanLandingham, Ph.D., OPPAGA Director