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Office of Management and Budget  
Executive Office of the President  
New Executive Office Building  
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Washington, D.C. 20503

Via electronic submission to [recovery@omb.eop.gov](mailto:recovery@omb.eop.gov)

Dear Sir or Madam:

The following "guidance feedback" comments are submitted on behalf of the State of Florida as requested in Section 1.9 of the Office of Management and Budget (OMB) updated implementing guidance (M-09-15) for the American Recovery and Reinvestment Act of 2009 (Recovery Act or Act). These comments are submitted by the Florida Office of Economic Recovery, the office designated by the Governor to coordinate implementation of the Recovery Act. In accordance with section 1.9 of the guidance, we have focused our comments on section 2 of the guidance as well as provisions related to recipient reporting.

**Section 2.10, pages 20 and 21** – This section of the guidance specifies that the reporting requirements apply to non-Federal recipients of Recovery Act funds. Further, the guidance indicates that the requirements apply only to recipients who receive funding provided through discretionary appropriations and that reporting requirements do not apply to any entitlement or other mandatory programs. This is generally consistent with the statutory provision in section 4 of the Act that specifies that each Division is to be treated separately (e.g. the reporting requirements of Section 1512 of the Act would apply only to Division A). It would be helpful to have a more detailed explanation of which funds are subject to reporting and which are not. For example, Health Information Technology (Health IT) funding is provided both in Division A, Title XIII and Division B, Title IV. To what extent is reporting required for these funds? Also, are the State Fiscal Stabilization Funds appropriated under Division A, Title XIV considered discretionary appropriations or only the education funds found in the Labor, HHS and Education appropriations in Title VIII?

This section of the guidance also indicates that reporting requirements will apply only to non-Federal recipients. We recommend that OMB require Federal agencies to report on the same data elements required of non-Federal recipients. This would enable States to aggregate information regarding the impact of federal expenditures in their State. For example, Florida is interested in being able to identify the job creation impact of military construction on bases in Florida, so information on the full impact of Recovery Act expenditures in our State can be made available to our citizens. Common data reporting from both Federal and non-Federal sources would permit this type of aggregation.

**Section 2.11, page 22** – This section references Section 1512(f) as the authority for recipient reporting and indicates a recipient reporting deadline of October 10, 2009. However, the third paragraph of this section references a July 10, 2009 reporting date. Will recipients be required to submit reports on July 10 for the period ending June 30, 2009? If reporting is required and the central collection system described in section 2.14 of the guidance is not yet available, what will recipients be required to report on July 10? Please note also that on the Grants.Gov stakeholders webcast of April 15, a representative spoke of plans for the Recovery.Gov site. In this portion of the presentation, he indicated that reporting would be required in July. Clarification of the expectations for recipients would be appreciated.

We understand that the requirement for reports to be submitted 10 days after the end of each quarter is a statutory requirement. However, quarterly reports on many federal grants are due 45 days after the end of the quarter and reporting systems are currently oriented towards these requirements. It is likely that meeting the statutory requirement will necessitate the submission of preliminary reports. We suggest that you consider providing guidance on reconciling the information provided in Recovery Act quarterly reports with other federal reporting requirements to avoid confusion. In addition, the Governmental Accountability Office (GAO) is obtaining information from states. It would be helpful where possible to coordinate submission of information to GAO with the Recovery Act reporting requirements to reduce duplication of effort.

**Section 2.13, page 22 through 24** – This section discusses the reporting of job estimates by recipients of Recovery Act funds. The explanation of the terms “jobs created” and “jobs or positions retained” largely consist of instruction to convert positions to full-time equivalents (FTE). Further, the number of hours in a full-time schedule is left to the recipient to define.

It is not clear, however, how this instruction should be applied to time-limited activities. For example, if a summer youth employment position is created with Workforce Investment Act

(WIA) funds, creates a position for a 32 hour work week for four months. Would the conversion to FTE be calculated on a quarterly basis or some other period? If one recipient State considered 32 hours to be a full-time schedule and another recipient State considered 40 hours to be a full-time schedule, is this inconsistency permissible?

If OMB's goal is to have consistency in reporting of jobs created and jobs retained, more explicit instruction on definitions and methodology is needed.

Additionally, we want to acknowledge and support the guidance encouraging the listing of all Recovery Act jobs on State Job Banks. This is a positive requirement and we appreciate its inclusion in the guidance.

**Section 2.14, page 23** – In this section, OMB describes the development of a central collection system for the information required by Section 1512 of the Act. We view this as a very productive approach. States are faced with severe budgetary constraints and we encourage OMB to include States and other recipients in its development of this system so that the system can minimize development costs for reporting across all of Government including Federal, State and Local entities. In building this standardized, central system, we encourage the inclusion of reporting elements that will allow aggregation of information by State and by County so that information can be displayed by key jurisdiction regardless of whether funding goes to a Federal agency, A State, to a local government or to a non-governmental entity such as through a competitive grant.

On April 1, OMB published proposed data elements for required reporting. While the location is a required reporting element for subrecipients, there was no location information required for recipients (other than North American Industry Classification System (NAICS) codes for infrastructure projects). If uniform location information was collected for all recipients as well as recipients, it would facilitate aggregation of information by States and Counties. With a robust central collection and analysis system, States and Counties could use the Federal system for analysis and reporting and not have to commit scarce resources to this purpose. A comprehensive reporting and analysis tool would greatly assist all entities in increasing transparency in the reporting of public expenditures from Recovery Act funds.

**Section 2.17, page 26** – This section of the guidance discusses the Federal expectation of States regarding collection and transmission of information required by Section 1512 of the Recovery Act. We appreciate the emphasis on flexibility for States. We want to reemphasize the previous point regarding development of a robust central collection system by OMB. Having a

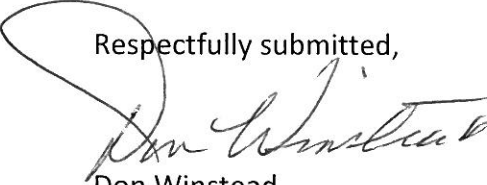
system that incorporates the needs of States as well as Federal agencies will make it more efficient and facilitate greater transparency.

While the guidance does not create any specific role or expectation for States regarding reporting where the State is not the primary recipient, States have an interest in comprehensive information regarding job creation, job preservation and economic development regardless of how the funds flow. If the central reporting system contains identifiers to permit all funds allocated to entities in a State to be summarized, it will assist States in providing transparent information to citizens.

**Section 4.3 page 38.** This section discusses co-mingling of Recovery Act and non-Recovery Act funds. It would be helpful to state whether this guidance applies only to appropriated funds in Division A of the Recovery Act or more broadly to all Recovery Act funds.

We appreciate the opportunity to submit comments on the OMB guidance. Our state is committed to continuing to work in partnership with the federal government to fully accomplish the purposes of the American Recovery and Reinvestment Act of 2009.

Respectfully submitted,



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Governor Charlie Crist