

Ideas in Action

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1114 Thomasville Road ■ P.O. Box 10209 ■ Tallahassee, FL 32302 ■ Phone: (904) 222-5052 ■ Fax: (904) 222-7476

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Florida TaxWatch has long been a supporter of privatization--when utilizing a private vendor can make a formerly government-run operation more efficient and cost effective. It does not always work, but it is worth considering. In an effort to continue the open dialogue, TaxWatch asked two of its distinguished Senior Research Fellows to present some views on this sometimes controversial issue. The first article, written by Senior Research Fellow Dr. Keith Baker, illuminates the assets and liabilities of implementing privatization. The next article, by Senior Research Fellow and Vice Chairman of the TaxWatch Fellows program, was written by Dr. Roger Kaufman, whose observations on privatization are respected throughout the nation.

The Privatization Nostrum: What, Why and How?

*By: Keith G. Baker, President, Growth Management Services Institute (GMSI), Inc.
Florida TaxWatch Senior Research Fellow*

State and local governments increasingly are relying on the private sector as an alternative to providing goods and services that traditionally have been their own responsibility. Privatization can mean different things to different people, but it generally involves contracting with private sector firms to produce and/or provide goods and services that previously were provided by the public sector. It usually takes one of two forms: government allows the private sector to (1) produce and provide public goods or services or (2) produce, but not provide public goods or services. In the first instance, users receive the deliverables directly from the private sector, and government may or may not elect to maintain direct oversight for services delivery. In the latter case, the public sector functions primarily as a buyer of the good or service from the private sector.

Some privatizations reflect a drastic departure from current government forms. Among the more radical recent privatization proposals is one announced by Governor William Weld and Lt. Governor Paul Cellucci of Massachusetts. Under the Weld-Cellucci plan, county governments and the civil service system would be eliminated; the state constitution would be amended to allow vouchers to be used at private and religious-based schools; and private property management of security, maintenance and other operations of state public buildings would be contracted out. The plan also calls for a dramatic increase in competitive contracting within the Massachusetts Bay Transportation Authority for various services: real estate management, payroll, bus operations, revenue counting and auditing.¹

Occasionally, the reverse of privatization will occur, e.g., the public sector attempts to take over delivery of a service from the private sector. Not surprisingly, expensive legal battles can be triggered when the private sector is so challenged. Such occurred in California and Florida in recent years in response to aggressive attempts by public sector fire departments to take over emergency medical (paramedic) services from private firms. Apparently, long-term reduction in the incidence of fires resulted in fewer demands on fire protection services. This, in turn, galvanized the public sector into viewing private sector medical emergency services as a critical growth area and fair game for the taking.²

¹John O Leary, Massachusetts Plan Calls for Radical Changes in State Government, *Privatization Watch*, No. 228, December, 1995, pp. 1 and 3.

²How to Guide Answers Questions on Privatizing Emergency Medical Services, *Privatization Watch*, No. 228, December, 1995, pp. 3 and 7.

Privatization's Growing Popularity

Several factors appear to be convincing public officials that it is to government's advantage to privatize. Many no doubt consider it to be the most efficient and effective means of solving problems that governments have been experiencing in providing cost effective public goods and services. Some do it out of desperation in their search for alternatives to increasing taxes. Apparently without much forethought, they opportunistically would seize upon privatization as a quick fix for declining revenues. Other public officials opt for privatization on more ideological grounds, some viewing it as a convenient means of cutting back on what they conclude, a priori, to be unnecessarily big and overly bureaucratized government. There also are the usual government bashers who would embrace privatization as a goal or an end to itself.

The state of Florida and its local governments are actively searching for viable service delivery alternatives. Unless successful in their efforts, they may be in something of a bind in their attempts to sustain or upgrade the level and quality of public goods and services. Unlike the federal government, Florida's state and local governments are prohibited by law from allowing deficits. Faced additionally with the prospect of new, underfunded responsibilities devolving in the near future from the federal government, high growth states like Florida are becoming increasingly uneasy about how they are going to fund new services or maintain current service levels. Without sustainable economic growth and development, reduced government services, some combination thereof, or other service delivery alternatives, some government jurisdictions may face the daunting prospect of having to raise taxes to pay for services.

Faced with intensified interstate and international competition, the Chiles Administration is opting for privatization as a means to foster economic development. Undaunted by a failed effort last year to privatize the Department of Commerce, it once again is pressing for relocation of most of the Department's economic development services to Enterprise Florida. The transfer ostensibly will make the state more competitive by enhancing a variety of activities: developing minority businesses, improving export-import opportunities, offering employee training grants to businesses, assisting domestic and international business relocations and expansions and encouraging high tech business entrepreneurship. A plan recently advanced by the House and Senate Commerce Committees concluded that state government cannot do as good a job as Enterprise Florida in addressing the needs of Florida's resident businesses and improving the state's industrial base.³

The effort to expand Enterprise Florida also proposes that the state's Tourism Commission--a public-private partnership--play a leading role in attracting tourists to the state. Historically, that function has been assigned to the Commerce Department. Ostensibly, the move would encourage the private sector to contribute more to tourism promotion by granting the Commission decision-making authority and control over how money is spent. As of this writing, the transfer of Commerce functions to the private sector has been approved by the Legislature and awaits approval by the Governor.⁴

At the local government level, some Florida municipalities have not had a major tax increase since the early 1990s. Many, especially those located in the built-out areas of southeast Florida, are desperately searching for new sources of revenue. Having suffered a decline in the growth boom of the 1970s and 80s, some Florida county and municipal governments already have cut public services to the quick and are running out of conventional service delivery alternatives. The City of North Lauderdale has cut all of its middle managers, reduced staff across the board by seven percent and begun charging fees for summer recreation. Coral Springs, despite surging population growth in recent years, anticipated being built-out and has cut staff by almost ten percent since 1991. It recently started using unpaid volunteers to run its popular park programs.⁵

³*Florida Economic Development: A Reorganization Plan*, Joint Meeting of the House and Senate Commerce Committees, December 5, 1995.

⁴John Kennedy, *Legislators Saying They Mean Business*, *Sun-Sentinel*, March 4, 1996, pp. 6-7.

⁵Roy Wenzl, *Cities Scramble to Avoid Tax Increases as Build-Out Nears*, *Sun-Sentinel*, February 23, 1996, pp. 1B and 8B.

Tools For Deciding Between Public Versus Private Services Delivery Alternatives

The Privatization Experiences of Other Jurisdictions

Notwithstanding its growing popularity, privatization is neither a new nor an untried concept, in theory or practice. Before striking out to reinvent the wheel, governments would do well to study the experiences other jurisdictions have had with privatization. In some cases, privatization has resulted in impressive lowering of costs and increased revenues. The state of New York, for example, claims to be saving \$7.5 million annually by contracting competitively for the processing of tax forms. It expects to save another \$4.5 million by outsourcing laundry and food distribution services. Faced with structural imbalances in the state budget and the approaching impacts of income tax cuts under Governor George Pataki, the state is considering selling the World Trade Center, the freight division of the Long Island Railroad, Stewart and Republic airports and other assets. Unlike Florida where, under its structurally weak form of governorship, the governor has to gain approval of the state legislature, the governor of New York can facilitate much of his privatization agenda by executive order.

The state of New Jersey appears to have realized substantial cost savings by privatizing medical services and psychological treatment in state prisons. Under a three-year contract negotiated with Correctional Medical Services of St. Louis to provide medical services and psychological treatment in state prisons, inmate services cost about \$1,000 less per capita than when the same services were provided directly by the state. Total cost savings are projected to be \$7 million in the first year of the contract and \$20 million annually thereafter.

Despite privatization's notable successes, caveat emptor! Not all privatizations are lucrative or otherwise successful. Elected officials might profit from learning why a recent parking garage outsourcing failed, costing the City of Chicago one-half million dollars. Useful political insights might be gained too from the experience of former New York Mayor David Dinkins who lost a bid for reelection by only 40,000 votes in the aftermath of a parking bureau privatization scandal.

Alternatives to Privatization

Governments privatize at their own peril if they do not first consider other potentially viable alternatives. There may be competitive advantages to (1) re-engineering goods and service deliveries within the agencies currently providing them; (2) outsourcing goods and service deliveries to neighboring public jurisdictions; (3) insourcing service delivery to alternative or reorganized public agencies; or (4) electronically facilitating some government agency service delivery functions.

During the 1980s total quality management (TQM) became the buzzword for upgrading goods and service delivery systems in both the public and private sectors. In the 1990s, attention increasingly is being given to total quality improvement in favor of business process re-engineering (BPR) as the optimal solution to goods and service delivery problems. Whereas the re-engineering of in-house service delivery systems appears to be catching on in the public sector, governments should be aware that BPR in the private sector already is receiving mixed reviews.

It is uncertain whether the public sector can succeed with re-engineering where the private sector has fallen short. According to the periodical Information Week, two-thirds of the surveyed private sector BPR projects were reported failures. An Arthur D. Little, Inc. study similarly found that only 16 percent of companies that re-engineered were satisfied with their results. Forty-five percent were partially satisfied, but 39 percent were dissatisfied. Citibank claimed that the \$50 million it spent on BPR produced no results. Deloitte & Touche discovered that it was resistance to change (lack of executive consensus and not having a senior management champion) and unrealistic expectations that primarily accounted for the failure of BPR among the business firms they surveyed.⁶

Sometimes it may be more advantageous for local governments to outsource certain services (garbage collection, fire and police protection, public utilities, etc.) to neighboring public jurisdictions than to insource or privatize them. Larger jurisdictions may offer economies of scale that result in cost reductions and quality improvements not easily matched by either the current jurisdiction or by the private sector.

Some enterprising cities go so far as to plan strategically for their competitive service delivery advantage, both internally and externally (i.e., regionally). Charlotte, North Carolina substantially reorganized its internal government structure for

⁶Don Tapscott, *The Digital Economy*, (New York: McGraw-Hill, 1996), p. 3.

competition management purposes. After reconstituting 26 departments into six so-called business entities, city employees were told to develop business plans for each and to identify comparable services that already existed in the private sector. They then were required to determine whether it was to the city's strategic advantage for the six entities to compete internally or outsource the services.

Government agencies that provide interrelated functions may find it competitively advantageous to electronically link their respective service deliveries rather than privatize them. These include government functions such as entitlements, growth management and economic development; zoning, building permits, registration and fee payments; dissemination of information pertaining to public policy agendas, public laws and other public documents; voter registration and elections can be negotiated electronically in a more flexible "any time, any place" context. This would enable the public to have remote access to such services through one-stop windows of service delivery. By electronically digitizing their services, any time, any place government agencies sometimes can ferret out data redundancies and generate other significant cost-savings and services improvements over traditional location-bound approaches to services delivery.

General Criteria for Choosing Public Versus Private Services Delivery Options

At the outset of their analysis of alternative services delivery systems, governments ought to consider at least three general criteria that traditionally have been recommended by political economists and public choice theorists as useful tools for distinguishing between the public and private character of goods and services.⁷

Packageability. Goods and services can be determined to be better provided by the public or private sectors based on their packageability, e.g., the extent to which they are easily bundled for exchange purposes on a quid pro quo basis in the private marketplace. Soap is deemed a private good because it is easily packaged for exchange purposes. Clean air, because it cannot be easily packaged in increments that can be bought or sold in the private-market, is more suitably the responsibility of the public sector.

Exclusion Principle. Another potentially useful criterion for choosing between public and private sector solutions is the exclusion principle -- the extent to which the costs of goods and services can be explicitly assessed or their benefits denied to consumers under private-market conditions. National defense is a classical public service because, as a practical matter, citizens cannot be denied its benefits nor differentially assess its costs depending on how much of it they receive.

Externality Principle. Some goods and services are better provided by the public rather than the private sector based on the externality principle--the extent to which their production or provision involves consequences (favorable or unfavorable) that cannot easily be contained within prescribed jurisdictions. Water pollution control typically falls to the public rather than the private sector because of the potentially bad externalized effects (boundary spill-overs) of polluted water. When the externality criterion applies, the minimization of external costs is viewed as a suitable goal for public (or social) collective organization. Thus, if externality costs of a public good or service are consequential, it is appropriate, other things being equal, for the public sector to produce or provide it; if consequential, then the private sector should be allowed to step in.

Indices for Measuring the Costs and Consequences of Privatization

Choosing the most appropriate indices for comparatively measuring the costs or consequences of providing goods and services in the private versus the public sector can be a major problem for governments that do not routinely utilize resource or activity-based accounting techniques to map the delivery of goods and services. Nonetheless, even jurisdictions that do utilize these techniques sometimes appear oblivious to the rich taxonomy of production function indices, performance standards and other tools of services delivery measurement that already exist.

To be sure, some measures are inadequate or need to be retrofitted in order to comply with the specialized needs of particular service delivery applications. Others, however, are directly applicable and already have or can be tested for their statistical

⁷ For a more thorough critique of public choice criteria, see Keith G. Baker, *Public Choice Theory: Some Important Assumptions and Public Policy Implications*, in Golembiewski, Robert T., *et al.* (eds.), *Public Administration*, (Chicago: Rand McNally College Publishing Company, 3rd ed., 1976), pp. 42-60.

reliability and validity. Governments ought to assess the advantages of using them, where applicable, before blindly striking out to create costly new measures of service delivery efficiencies and effectiveness.

Governments too seldom analytically determine in advance the costs (transaction costs alone can be substantial) or consequences of privatizing. When they do, they sometimes shoulder that burden alone. Whereas private sector firms, unlike the public sector, cannot be compelled to reveal their costs, they can be encouraged to do so. Ideally, the costs and benefit assessments of privatizing would be fully allocated--too frequently, pension, insurance and overhead costs are underestimated--to competing service deliverers in accordance with strict cost accounting principles. This is especially important when service providers stand to profit directly from the privatized enterprise.

Governments minimally should attempt to shift some of the analytical burden of determining the costs and benefits of privatization to vendors. Cost-shifting especially is in order if there is ample competition among prospective vendors. Vendors should be required to supply prima facie price estimates as long as governments are willing to (1) provide them in advance with appropriate base-line information on pertinent costs associated with the public goods or services being considered for outsourcing and (2) provide assurances that vendors subsequently will not be held firm to price estimates that are developed in advance of the bidding process.

Other Privatization Considerations

Whenever goods or services are privatized, it should be of priority concern to governments that there be unbroken transition and ongoing continuity in their production or provision. Unless required by law to accept the lowest practicable bid, the temptation to hastily accept low-ball, "bait-and-switch" bids should be resisted. The public interest unduly risks being compromised if governments accept bids whose costs are too optimistically estimated and potentially not deliverable.

Before signing on the dotted line, governments must ensure that privatization contracts clearly stipulate all legal, financial and administrative liabilities. They also should clearly specify the remedies that are available to the public sector in the event of nonperformance, execution shortcomings by vendors under contract or other unanticipated developments (viz., failure to perform within the bounds of original quality, cost or service-level performance estimates, declarations of bankruptcy, unforeseen mergers or acquisitions). For example, what happens when a privatized corrections facility goes bankrupt, or how is it held accountable and the public interest ensured if prisoners escape because of negligence or other maladministration by the private sector?

Decisions to privatize usually are not made in a vacuum nor can they always be determined exclusively in terms of the relative efficiencies or effectiveness of alternative goods and service delivery systems. Whatever their institutional status, some public sector organizations appear generally to be off-limits as far as privatization is concerned. Their ongoing existence as public entities appears to be based more on tradition--cultural, social, political, etc.--or other, more symbolic considerations than on extant conditions of efficiency or effectiveness. Needless to say, the alumni and other staunch supporters of Florida State University or the University of Florida would take a dim view of any attempt to change their institutional statuses from public to private. Even if they were to hemorrhage blatant inefficiencies in public, it is unlikely that their institutionalized statuses, as such, would be subject to serious competitive challenge by the public or private sector.

The private sector, on the other hand, sometimes can make a pretty cogent case regarding the unevenness of the playing field upon which it sometimes is forced to compete. In some cases, subsidies granted by governments to public institutions are viewed by the private sector as being capricious and unfair. Although federal antitrust law ordinarily does not apply to state or local government action, at least one private company--American Medical Response (AMR)--has recently asserted its right to a level playing field. AMR successfully challenged fire departments in the San Jose, California area to share with them the provision of emergency services. Even more recently, the company went to court demanding that the City of Sacramento not be allowed to take over its provision within the city limits of emergency ambulance services.

The AMR case suggests that antitrust liabilities will be allowed to apply to city policies that are deemed anticompetitive if (1) a city can demonstrate that its state legislature contemplated the anticompetitive actions it has taken and (2) state policy allows the displacement of competition in a particular area. It also, in effect, legitimizes the complaints of some private companies whose contracts were terminated in favor of cities providing the services or who were not considered as prospective providers of certain services.⁸

⁸Nicolas Morgan, *City Government Sued for EMS Takeover*, *Privatization Watch*, No. 228, December, 1995, p. 7.

Notwithstanding that citizen-voter-taxpayers appear to consider the provision of particular services as irrevocably public and essential to the public welfare, some services probably would be privatized if their status depended solely on how efficient they are. In the final analysis, probably the theoretically best overarching criterion for deciding whether to privatize is a public choice abstraction: the utility preferences of the representative citizen-voter-taxpayer. Will s/he be better- or worse-off in the long-run as a result of privatization? If the public sector ever were to discover how to identify such preferences with fail-safe precision, all the other tools for choosing between public and private delivery system alternatives likely would pale, both methodologically and substantively, in their relative comparative advantages.

To Privatize or Not?

Privatization: Tempting . . . and not new nor proven.

*By: Roger Kaufman, Director, Center for Needs Assessment and Planning, Florida State University
Florida TaxWatch Senior Research Fellow*

Tempting. Seductive. Potentially useless. Potentially useful.

When it is appropriate to save money, as it usually is, it seems logical to look for a cheaper source for getting our work done. World-wide governments are examining and even contracting privatization: turning over conventional governmental functions to private-sector contractors. In England and Australia, and Canada and New Zealand, and in virtually all the states in our union, politicians are examining outsourcing, contracting, privatization.

The idea to privatize, outsource, create competition is not new. It keeps coming up, and it has been tried. All Australian government agencies have to "prove" (they call it "market-testing") that privatization will provide better results at lower cost. In the U.S., prisons and incarceration services are contracted out in several states. Vouchers for school choice is a concept being currently debated and implemented in a few locations. Health care is frequently privatized in the U.S., as are transportation and trash services. Governor Chiles is once again considering privatizing the Florida Department of Commerce after failing to convince the legislature to do so last year. Florida, following the lead of Texas, New Jersey, Massachusetts and Michigan has created the State Council on Competitive Government to "improve state performance by increasing competition in the delivery of state services." The possibilities for outsourcing are on us once again and we are debating if -- and what -- Florida should privatize.

Although it could, privatization won't likely work well. At least in the way we are moving.

Hardly a newspaper appears without some complaint about shortfalls in government services. And there are frequent allegations of waste, cronyism, fraud and/or indifference. Television and news magazines trumpet problems with agencies, and politicians deliver endless legislation to patch this problem and then that one. We have more imposed laws, rules, regulations and policies than we know how to implement, and each time the politicians convene there are more quick-fix laws pressed down on citizens and agencies alike.

It doesn't have to be that way, but the way things are here, and indeed according to the rest of the world, the positive consequences of privatization run the risk of being neutral at best, and possibly negative. Why? Because without *measurable criteria of costs and consequences* for deciding whether public or private delivery should be chosen we don't have a clue for any rational basis for deciding!

Our basic problem with fixing the governmental system that exists is the same one that will not allow us to make rational decisions about privatization: we really don't define measurably the societal impact and payoffs for agencies' programs, initiatives, and resource decisions. Sure, we have the GAP commission trying to prepare performance criteria. But as hard as they are working, they still have not sorted out the differences between ends and means nor have they consistently related organizational efforts, organizational results and societal impact. Legislation has been introduced to implement performance-based budgeting. But the appetite for sticking with it, while hard criteria are being developed and validated,¹ seems to be flagging. It hopefully will be supported simply because it is only rational to define what you want to accomplish, justify the payoffs for getting those results, and then deciding how it should be accomplished and then selecting -- public or private -- who should deliver it.

¹Perhaps because the availability of valid measurable criteria and external payoffs indicator data might be potentially damaging to pet programs and spending incentives.

What's missing?

What we don't have -- although we know how to develop valid ones -- are measurable performance specifications for what any agency or organization delivers to Florida and Floridians (see Florida TaxWatch, Dec. 1994 report, *Florida's 1994 Government Performance and Accountability Act: A Beginning Framework for Taxpayer-Driven Reforms*). We talk a lot about means (number of hospital beds, numbers of learners enrolled, arrests, convictions, monies spent on jobs programs, food stamp distributions) but we shy away from defining societal impact. How can we decide among alternative deliverers--privatization--without knowing what they will contribute to Florida?

Would business continue to spend money on a state government office if it was working harder and harder, delivering more and more service and products while its customer base evaporated and there was no repeat business? Would businesses and taxpayers support an operation that simply gave products away and never asked about profits or return-on-investment? Would investors put money into a company that only told shareholders about the number of hamburgers served and avoided reporting data about customer satisfaction and continuing profits as indicators of the viability of the business? Not likely, but in government we only look at the spending side of the equation and don't ask hard questions about the usefulness of the spending.

Can we put a price tag on education? Health? Commerce? Training? Sure. We do it all of the time. We vote monies for things we value. And we complain when we think the money is being wasted. Can we put a price tag on failures of the education system in terms of crime, incarcerations, joblessness? Sure we can. Can we price out the costs of people not knowing about their own health maintenance in terms of birth defects? Yes, again.

If government is the solution, what's the problem?

If we ask that question -- if government is the solution, what's the problem? -- about every agency and every program we will get some very interesting answers. We will find agencies and programs that are doing a better job and making better contributions than they have data to convince us. We will also find many programs that are not working, and even some that might be making things worse. But without indicators of societal impact and payoffs we cannot calibrate the costs and consequences of current programs, of anticipated programs, nor can we decide if, when, and what to privatize.

What should we do?

I suggest that we simply leverage current activities and initiatives and require that societal indicators be defined in terms of the usefulness of what is delivered versus the costs. This process can be used to decide what programs, projects (and yes, even agencies) to continue, what to modify, what to eliminate, and what to privatize. We must start now to define all programs, projects, and activities on the basis of added value: what are the societal payoffs for what we do now or intend to do and deliver. If we develop criteria for organizational results and societal consequences/added value we will be able to:

1. Define what should be done and delivered by government agencies.
2. Determine current costs and consequences/added value for each agency, program, project, activity, and initiative.
3. Identify likely costs and consequences for anticipated programs, projects, and initiatives.
4. Develop rational and justifiable performance-based budgeting criteria and procedures.
5. Decide among alternative delivery methods and means--including privatization, outsourcing, contracting--on the basis of relative costs and consequences.
6. Evaluate, on the basis of added value, how we are doing, what to change, what to keep, what to modify.
7. Continuously improve what Florida delivers to its citizens as well as the efficiency of how we deliver services.

Before we privatize, we should know what privatization is a solution to: If privatization is the solution, what's the problem? Before we look for, and even accept, competitive bids on government services, we should make certain that the services provide added value to both the agency and Florida residents.

In order to make useful decisions on changing how we do and deliver government, it is prudent to first define and consider payoffs and consequences for what government does and delivers to our citizens. We should immediately move to define societal requirements, define the gaps between current societal conditions and required ones, and then use those criteria for Florida governmental planning, design, development, implementation, and continuous improvement. Then and only then will we have the rational criteria for deciding about privatization. Or vouchers. Or downsizing, Or re-engineering. Or performance-based budgeting. Or even evaluating our politicians in terms of what good they have brought us.

ABOUT THE AUTHORS


Dr. Keith G. Baker is president of Growth Management Services Institute (GMSI), Inc. Prior to receiving his Ph.D. from the University of California, Santa Barbara in 1974, he served as Administrative and Legislative Assistants with the U.S. Congress. He began his teaching career at Emory University and subsequently directed public affairs graduate programs at the University of Georgia, Florida International University and Indiana University.

Dr. Baker has worked closely both as a scholar and practitioner with top leaders from business and government in the areas of public policy and administration, growth management, urban and economic development and post-disaster planning. He is author of more than 30 books, articles and monographs and has participated as principal instructor, featured speaker or panel chair at more than 50 professional conferences, seminars and workshops. He is past president of the Public Administration Section of the Urban and Regional Information Systems Association (URISA) and is co-founder and past president of the Florida URISA chapter. Dr. Baker has served on the editorial board of Public Administration Review and on the Governing Panel of the Florida Gold Coast Chapter of the American Society for Public Administrators. He also serves as a Florida TaxWatch Senior Research Fellow.

Roger Kaufman is Professor and director, Center for Needs Assessment & Planning, Learning Systems Institute, Florida State University. He is also associated with the faculty of industrial engineering at the University of Central Florida as well as Research Professor of Engineering Management at the New Jersey Institute of Technology/Newark College of Engineering. He is the author of 30 books and 155 articles on strategic planning, needs assessment and quality management. Dr. Kaufman also currently is a Florida TaxWatch Senior Research Fellow.

David McIntosh, Chairman; Dominic M. Calabro, President and Publisher
Dr. Neil S. Crispo, Senior Vice President, Research and Operations
Catherine M. Haagenson, Communications Director; Gable Ablett, Publications Assistant
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P.O. Box 10209
Tallahassee, FL 32302

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