

SB 228 by **Latvala (CO-INTRODUCERS) Sachs**; (Similar to H 0129) Veterinary Practice

SB 140 by **Bennett**; (Identical to H 4019) Repeal of a Workers' Compensation Reporting Requirement

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
BUDGET SUBCOMMITTEE ON GENERAL GOVERNMENT
APPROPRIATIONS
Senator Hays, Chair
Senator Benacquisto, Vice Chair

MEETING DATE: Thursday, December 8, 2011

TIME: 1:00 —3:00 p.m.

PLACE: James E. "Jim" King, Jr. Committee Room, 401 Senate Office Building

MEMBERS: Senator Hays, Chair; Senator Benacquisto, Vice Chair; Senators Braynon, Bullard, Diaz de la Portilla, Gibson, Jones, and Latvala

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 228 Latvala (Similar H 129)	Veterinary Practice; Defining the term "limited service veterinary vaccination clinic" as it relates to veterinary medical practice; revising terminology; requiring that the Board of Veterinary Medicine establish minimum standards for limited service veterinary vaccination clinics rather than limited service veterinary medical practices; deleting provisions that limit the practice privileges of out-of-state or foreign veterinarians who are in this state for a specific sporting event, etc. RI 10/17/2011 Favorable BGA 12/08/2011 Favorable BC	Favorable Yeas 6 Nays 0
2	SB 140 Bennett (Identical H 4019)	Repeal of a Workers' Compensation Reporting Requirement; Repealing provision relating to the duty of the Department of Financial Services to make an annual report on the administration of ch. 440, F.S., the Workers' Compensation Law, to specified officials, etc. BI 10/04/2011 Favorable BGA 12/08/2011 Favorable BC	Favorable Yeas 6 Nays 0
3	Governor's Fiscal Year 2012-13 Budget Recommendations		Presented
4	Presentation on the Florida Public Hurricane Loss Projection Model by the Office of Program Policy Analysis and Government Accountability (OPPAGA)		Presented
5	Agency Presentations of Schedule VIIIA Budget Priorities and Schedule VIIIB Reduction Proposals for Fiscal Year 2012-13: Office of Financial Regulation Public Employee Relations Commission		Presented
6	Other Related Meeting Documents		

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Budget Subcommittee on General Government Appropriations

BILL: SB 228

INTRODUCER: Senator Latvala

SUBJECT: Veterinary Practice

DATE: December 8, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	Imhof	RI	Favorable
2.	Howard	DeLoach	BGA	Favorable
3.			BC	
4.				
5.				
6.				

I. Summary:

The bill renames the term “limited service veterinary medical practice” to “limited service veterinary vaccination clinic.” It also redefines the term to mean veterinary practice in which a veterinarian performs vaccinations or immunizations on multiple animals at a temporary location and for a limited time. In effect, the bill would not permit “limited service veterinary vaccination clinics” to offer parasite removal services, which is a service currently permitted to be performed in a “limited service veterinary medical practice.” The bill requires the board to establish by rule minimum standards for limited-service veterinary vaccination clinics. The rules must be consistent with the type of limited veterinary vaccination service provided.

This bill removes the authority for the business professional and health care professional, including veterinarians, to practice on animals used in a sporting event if he or she is licensed in another state or in a foreign jurisdiction, are in Florida for a specific sporting event, and are employed or designated by the sport’s team.

This bill substantially amends sections 455.2185, 456.023, 474.202 and 474.215, Florida Statutes.

II. Present Situation:

Veterinary Medical Practice

The Board of Veterinary Medicine (board) within the Department of Business and Professional Regulation (department) is the agency charged with the regulation of the practice of veterinary medicine under ch. 474, F.S., the Veterinary Medical Practice Act (act). The legislative purpose

for the act is to ensure that every veterinarian practicing in Florida meets minimum requirements for safe practice and veterinarians who are not normally competent or who otherwise present a danger to the public are disciplined or prohibited from practicing in Florida.¹

The department is the state agency responsible for the licensing of veterinarians, while the board² within the department is responsible for adopting rules to establish fees and implement the provisions of ch. 474, F.S.

For a person to be licensed as a veterinarian he or she must apply to the department to take a licensure examination. The department must license each applicant who the board certifies has:

- Completed the application form and remitted an examination fee set by the board.³
- Graduated from a college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education or graduated from a college of veterinary medicine listed in the American Veterinary Medical Association Roster of Veterinary Colleges of the World and obtained a certificate from the Education Commission for Foreign Veterinary Graduates.
- Successfully completed the examination provided by the department for this purpose, or an examination determined by the board to be equivalent.
- Demonstrated knowledge of the laws and rules governing the practice of veterinary medicine in Florida in a manner designated by rules of the board.⁴

The department is prohibited from issuing a license to any applicant who is under investigation in any state or territory of the United States or in the District of Columbia for an act which would constitute a violation of ch. 474, F.S., until the investigation is complete and disciplinary proceedings have been terminated.⁵

An unlicensed doctor of veterinary medicine who has graduated from an approved college or school of veterinary medicine and has completed all parts of the examination for licensure is permitted, while awaiting the results of the examination for licensure or while awaiting issuance of the license, to practice under the immediate supervision of a licensed veterinarian. A person who fails any part of the examination may not continue to practice, except in the same capacity as other nonlicensed veterinary employees, until the person passes the examination and is eligible for licensure.⁶

¹ Section 474.201, F.S.

² The board consists of seven members, who are appointed by the Governor, and are subject to confirmation by the Senate. Five members of the board must be licensed veterinarians and two members of the board must be laypersons who are not and have never been veterinarians or members of any closely related profession or occupation. *See s. 474.204, F.S.*

³ For applicants taking the Laws and Rules examination that is not conducted by a professional testing service, the examination fee is \$165.00, payable to the DBPR. For applicants taking the Laws and Rules examination that is conducted by a professional testing service, the examination fee is \$151.50 payable to the department plus \$13.50 payable to the testing service. Rule 61G18-12.002, F.A.C. The applicant for licensure must also pay an initial licensure fee of \$200, if the person is licensed in the first 12 months of the biennium, or \$100, if the person is licensed in the second 12 months of the biennium. Rule 61G18-12.007, F.A.C.

⁴ Section 474.207, F.S.

⁵ *Id.*

⁶ *Id.*

An applicant may be eligible for temporary licensure if certain requirements are met. In order for the board to certify an applicant to the department for issuance of a temporary license to practice veterinary medicine, an applicant must demonstrate to the board that the applicant:

- Has filed an application for temporary licensure identifying the name and address of the owner of the animals to be treated, the type of animals to be treated and their injury or disease, the location the treatment is to be performed, and the names, addresses, and titles of all persons entering the state with the applicant to perform the treatment; or
- Has filed an application and is responding to an emergency for the treatment of animals of multiple owners.
- Has paid the temporary licensure fee.
- Holds an active license to practice veterinary medicine in another state of the United States and that any license to practice veterinary medicine that the person has ever held has never been revoked, suspended or otherwise acted against by the licensing authority.
- Is neither the subject of any pending prosecution nor has ever been convicted of any offense which is related to the practice of veterinary medicine; and
- Satisfies the qualifications for licensure by endorsement.⁷

A temporary license is valid for a period of 30 days from its issuance. A temporary license does not cover more than the treatment of the animals of the owner identified in the application. Upon expiration of the license, a new license is required.⁸

An applicant may also be eligible for licensure by endorsement if specific requirements are met. The department must issue a license by endorsement to any applicant who, upon applying to the department and remitting the requisite fee,⁹ demonstrates to the board that she or he:

- Has demonstrated, in a manner designated by rule of the board, knowledge of the laws and rules governing the practice of veterinary medicine in Florida; and
- Either holds, and has held for the 3 years immediately preceding the application for licensure, a valid, active license to practice veterinary medicine in another state of the United States, the District of Columbia, or a territory of the United States, provided that the requirements for licensure in the issuing state, district, or territory are equivalent to or more stringent than the requirements of ch. 474, F.S.; or meets the application and examination requirements under Florida law and has successfully completed a state, regional, national, or other examination which is equivalent to or more stringent than the examination given by the department.¹⁰

The department is prohibited from issuing a license by endorsement to any applicant who is under investigation in any state, territory, or the District of Columbia for an act which would constitute a violation of ch. 474, F.S., until the investigation is complete and disciplinary proceedings have been terminated.

⁷ Rule 61G18-25.001, F.A.C.

⁸ *Id.*

⁹ The fee for licensure by endorsement is \$500. Rule 61G18-12.011, F.A.C.

¹⁰ Section 474.217, F.S.

Under s. 474.213, F.S., a person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S. (maximum imprisonment of 5 years, maximum fine of \$5,000, or penalties applicable for a habitual offender) if the person:

- Leads the public to believe that such person is licensed as a veterinarian, or is engaged in the licensed practice of veterinary medicine, without such person holding a valid, active license pursuant to ch. 474, F.S.;
- Uses the name or title “veterinarian” when the person has not been licensed pursuant to ch. 474, F.S.;
- Presents as her or his own the license of another;
- Gives false or forged evidence to the board or a member thereof for the purpose of obtaining a license;
- Uses or attempts to use a veterinarian’s license which has been suspended or revoked;
- Knowingly employs unlicensed persons in the practice of veterinary medicine;
- Knowingly concealing information relative to violations of ch. 474, F.S.;
- Obtains or attempts to obtain a license to practice veterinary medicine by fraudulent representation;
- Practices veterinary medicine in Florida, unless the person holds a valid, active license to practice veterinary medicine pursuant to ch. 474, F.S.;
- Sells or offers to sell a diploma conferring a degree from a veterinary school or college, or a license issued pursuant to ch. 474, F.S., or procures such diploma or license with the intent that it shall be used as evidence of that which the document stands for by a person other than the one upon whom it was conferred or to whom it was granted; or
- Knowingly operates a veterinary establishment or premises without having a premise permit issued under s. 474.215, F.S.

Limited Service Veterinary Medical Practice

Section 474.202(6), F.S., defines the term “limited-service veterinary medical practice” to mean:

offering or providing veterinary services at a location that has a primary purpose other than that of providing veterinary medical services at a permanent or mobile establishment permitted by the Board of Veterinary Medicine; provides veterinary medical services for privately owned animals that do not reside at that location; operates for a limited time; and provides limited types of veterinary medical services.

Section 474.202(9), F.S., defines the term “practice of veterinary medicine” to mean:

diagnosing the medical condition of animals and prescribing, dispensing, or administering drugs, medicine, appliances, applications, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease thereof; performing any manual procedure for the diagnosis of or treatment for pregnancy or fertility or infertility of animals; or representing oneself by the use of titles or words, or undertaking, offering, or holding oneself

out, as performing any of these functions. The term includes the determination of the health, fitness, or soundness of an animal.

Section 474.215(7), F.S., requires the board to establish by rule minimum standards for limited-service veterinary medical practices. The rules cannot restrict limited service veterinary medical practices and must be consistent with the type of limited veterinary medical service provided. The board has defined by rule minimum standards to include vaccinations, immunizations and preventative procedures for parasitic control¹¹ on multiple animals at a temporary location and for a limited time.¹² The rule defines the term “limited time” as no more than once every two weeks and no more than four hours in any one day for any single location where a clinic is held.¹³

According to the department, anyone, such as a retailer, may obtain a permit for limited service veterinary medical permit, but a licensed veterinarian must perform the services. These limited service clinics are inspected on a random basis. There has been an issue with these clinics not notifying the department before the clinic is conducted.

According to the department, it has not received any substantiated complaints about the care administered at limited service clinics. The complaints it has received about the clinics have been limited to paperwork violations, such as failure to properly register the clinics.

Mobile veterinarian clinics are licensed, must have a premises permit for the mobile unit, and must be inspected prior to providing veterinarian services. A “mobile veterinary establishment” and “mobile clinic” is:

a mobile unit which contains the same treatment facilities as are required of a permanent veterinary establishment or which has entered into a written agreement with another veterinary establishment to provide any required facilities not available in the mobile unit. The terms do not refer to the use of a car, truck, or other motor vehicle by a veterinarian making a house call.¹⁴

General Provisions for Business and Health Professionals

Chapter 455, F.S., provides the general powers of the department and sets forth the procedural and administrative frame-work for all of the professional boards housed under the department. The general provisions for licensure, certification, education, examination, and penalties for the following medical professionals are provided under ch. 456, F.S. In addition, ch. 456, F.S., provides the authority of the following boards to regulate their respective professions.

¹¹ According to the department, preventive services for parasitic control may require a prescription and testing to determine the health status of an animal.

¹² Rule 61G18-15.007, F.A.C.

¹³ Rule 61G18-15.007(1), F.A.C.

¹⁴ Section 474.202(7), F.S.

Exemption for Out-of-state or Foreign Professionals

Sections 455.2185(1) and 456.023(1), F.S., permit professionals from another state, nation, or foreign jurisdiction to practice in Florida under limited circumstances. Such professionals are exempt from the license requirements under chs. 455 and 456, F.S., and the applicable professional practice act if that person:

- Holds, if so required in the jurisdiction in which that person practices, an active license to practice that profession.
- Engages in the active practice of that profession outside the state.
- Is employed or designated in that professional capacity by a sports entity visiting the state for a specific sporting event.

Sections 455.2185(2) and 456.023(2), F.S., limit the practice of the professional to the members, coaches, and staff of the team for which that professional is employed or designated and to any animals used if the sporting event for which that professional is employed or designated involves animals. Sections 455.2185(2) and 456.023(2), F.S., also provide that these professionals do not have practice privileges in any licensed veterinary facility without the approval of that facility.

III. Effect of Proposed Changes:

Limited Service Veterinary Medical Practice

The bill amends s. 474.202(6), F.S., to rename the term “limited service veterinary medical practice” to “limited service veterinary vaccination clinic.” It also redefines the term to mean veterinary practice in which a veterinarian performs vaccinations or immunizations on multiple animals at a temporary location and operating for a limited time.

The bill amends s. 474.215(7), F.S., to require the board to establish by rule minimum standards for limited-service veterinary vaccination clinics. It deletes the provision that requires the board to establish by rules minimum standards for limited-service veterinary medical practices. The rules must be consistent with the type of limited veterinary vaccination service provided.

Rule 61G18-15.007, F.A.C., permits “limited-service veterinary medical practices” to perform preventive procedures for parasitic control. In effect, the bill would delete the board’s authority for this rule, and would not permit “limited service veterinary vaccination clinics” to offer parasite removal services, which is a service currently permitted to be performed in a “limited service veterinary medical practice.”

The department has indicated that this bill would not affect mobile veterinary clinics or veterinarians who make house calls.

Exemption for Out-of-state or Foreign Professionals

The bill amends s. 455.2185, F.S., to delete the authority of a business professional to practice on animals used in a sporting event if he or she is licensed in another state or foreign jurisdiction, is in Florida for a specific sporting event, and is employed or designated by the sport’s team.

The bill also amends s. 456.023, F.S., to delete the authority of a health care professional to practice on animals used in a sporting event if he or she is licensed in another state or foreign jurisdiction, is in Florida for a specific sporting event, and is employed or designated by the sport's team.

The bill deletes the provisions in ss. 455.2185 and 456.023, F.S. that prohibit these professionals from practicing in veterinary facilities without the approval of the facility, which is consistent with the above changes that prohibit the professionals from practicing on animals used by the sporting teams while in Florida.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Sports teams from out-of-state or from foreign jurisdictions that participate in sporting events involving animals in Florida may incur additional costs associated with hiring a Florida-licensed veterinarian to provide veterinary services.

According to the department, veterinarians who work for the United States Equestrian Federation (USEF) would be affected by the removal of that exemption from 455.2185, F.S., and would definitely impact the USEF's events held in Florida. The department also advised that the Fédération Equestre Internationale (FEI), which is the international sanctioning organization for Olympic level sporting events involving equines, requires that a veterinarian licensed by the FEI from a foreign jurisdiction be a part of the Ground Jury at any competition to perform veterinary services.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Latvala

16-00055-12

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A bill to be entitled

An act relating to veterinary practice; amending s. 474.202, F.S.; defining the term "limited service veterinary vaccination clinic" as it relates to veterinary medical practice; amending s. 474.215, F.S.; revising terminology; requiring that the Board of Veterinary Medicine establish minimum standards for limited service veterinary vaccination clinics rather than limited service veterinary medical practices; amending ss. 455.2185 and 456.023, F.S.; deleting provisions that limit the practice privileges of out-of-state or foreign veterinarians who are in this state for a specific sporting event; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (6) of section 474.202, Florida Statutes, is amended to read:

474.202 Definitions.—As used in this chapter:

(6) "Limited-service veterinary vaccination clinic ~~medical practice~~" means a veterinary practice at which a veterinarian performs vaccinations or immunizations on multiple animals at a temporary location and operates for a limited time ~~offering or providing veterinary services at any location that has a primary purpose other than that of providing veterinary medical service at a permanent or mobile establishment permitted by the board, provides veterinary medical services for privately owned animals that do not reside at that location; operates for a limited~~

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~~time, and provides limited types of veterinary medical services.~~

Section 2. Subsection (7) of section 474.215, Florida Statutes, is amended to read:

474.215 Premises permits.—

(7) The board by rule shall establish minimum standards for the operation of limited service veterinary vaccination clinics ~~medical practices~~. Such rules ~~must~~ shall not restrict limited service veterinary medical practices and shall be consistent with the type of limited veterinary vaccination and immunization services ~~medical service~~ provided.

(a) Any person that offers or provides limited service veterinary vaccination clinics ~~medical practice~~ shall obtain a biennial permit from the board the cost of which ~~may~~ shall not exceed \$250. The limited service permittee shall register each location where a limited service veterinary vaccination clinic is held and shall pay a fee set by rule not to exceed \$25 to register each such location.

(b) All permits issued under this subsection are subject to ~~the provisions of~~ ss. 474.213 and 474.214.

(c) Notwithstanding any provision of this subsection to the contrary, any temporary rabies vaccination effort operated by a county health department in response to a public health threat, as declared by the State Health Officer in consultation with the State Veterinarian, is not subject to any preregistration, time limitation, or fee requirements, but must adhere to all other requirements for limited service veterinary vaccination clinics ~~medical practice~~ as prescribed by rule. The fee charged to the public for a rabies vaccination administered during such temporary rabies vaccination effort may not exceed the actual

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 59 cost of administering the rabies vaccine. Such rabies
 60 vaccination efforts may not be used for any purpose other than
 61 to address the public health consequences of the rabies
 62 outbreak. The board shall be immediately notified in writing of
 63 any temporary rabies vaccination effort operated under this
 64 paragraph.

65 Section 3. Section 455.2185, Florida Statutes, is amended
 66 to read:

67 455.2185 Exemption for certain out-of-state or foreign
 68 professionals; limited practice permitted.—

69 (1) A professional of any other state or of any territory
 70 or other jurisdiction of the United States or of any other
 71 nation or foreign jurisdiction is exempt from the requirements
 72 of licensure under this chapter and the applicable professional
 73 practice act under the agency with regulatory jurisdiction over
 74 the profession if that profession is regulated in this state
 75 under the agency with regulatory jurisdiction over the
 76 profession and if that person:

77 (a) Holds, if so required in the jurisdiction in which that
 78 person practices, an active license to practice that profession.

79 (b) Engages in the active practice of that profession
 80 outside the state.

81 (c) Is employed or designated in that professional capacity
 82 by a sports entity visiting the state for a specific sporting
 83 event.

84 (2) A professional's practice under this section is limited
 85 to the members, coaches, and staff of the team for which that
 86 professional is employed or designated ~~and to any animals used~~
 87 ~~if the sporting event for which that professional is employed or~~

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 88 ~~designated involves animals. A professional practicing under~~
 89 ~~authority of this section shall not have practice privileges in~~
 90 ~~any licensed veterinary facility without the approval of that~~
 91 ~~facility.~~

92 Section 4. Section 456.023, Florida Statutes, is amended to
 93 read:

94 456.023 Exemption for certain out-of-state or foreign
 95 professionals; limited practice permitted.—

96 (1) A professional of any other state or of any territory
 97 or other jurisdiction of the United States or of any other
 98 nation or foreign jurisdiction is exempt from the requirements
 99 of licensure under this chapter and the applicable professional
 100 practice act under the agency with regulatory jurisdiction over
 101 the profession if that profession is regulated in this state
 102 under the agency with regulatory jurisdiction over the
 103 profession and if that person:

104 (a) Holds, if so required in the jurisdiction in which that
 105 person practices, an active license to practice that profession.

106 (b) Engages in the active practice of that profession
 107 outside the state.

108 (c) Is employed or designated in that professional capacity
 109 by a sports entity visiting the state for a specific sporting
 110 event.

111 (2) A professional's practice under this section is limited
 112 to the members, coaches, and staff of the team for which that
 113 professional is employed or designated ~~and to any animals used~~
 114 ~~if the sporting event for which that professional is employed or~~
 115 ~~designated involves animals. A professional practicing under~~
 116 authority of this section shall not have practice privileges in

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117 any licensed health care facility ~~or veterinary facility without~~
118 ~~the approval of that facility.~~

119 Section 5. This act shall take effect July 1, 2012.



Tallahassee, Florida 32399-1100

COMMITTEES:
Transportation, *Chair*
Budget - Subcommittee on General Government Appropriations
Budget - Subcommittee on Transportation, Tourism, and Economic Development Appropriations
Children, Families, and Elder Affairs
Environmental Preservation and Conservation
Governmental Oversight and Accountability
Reapportionment

SENATOR JACK LATVALA
16th District

October 18th, 2011

The Honorable Senator Alan Hays, Chair
Budget Subcommittee on General Government Appropriations
201 The Capitol
404 South Monroe Street
Tallahassee, FL 32399-1100

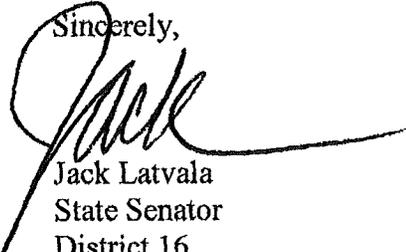
Dear Chairman Hays:

I respectfully request consideration of Senate Bill 228 regarding Veterinary Practice at your earliest convenience.

This bill promotes the health, safety, and welfare of animals by establishing professional standards for veterinary health professionals who provide care to animals. I would greatly appreciate the opportunity to present this legislation to the Budget Subcommittee on General Government Appropriations as soon as possible.

If you have any questions regarding this legislation, please contact me. Thank you in advance for your consideration.

Sincerely,


Jack Latvala
State Senator
District 16

cc: Jamie DeLoach, Staff Director; Lisa Waddell, Administrative Assistant

REPLY TO:

- 12425 28th Street North, Suite 102, St. Petersburg, Florida 33716 (727) 558-6500
- 405 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5075

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS

SENATE APPROPRIATIONS
11 OCT 20 AM 9:17
STAFF DIR. _____ STAFF _____

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

Topic

Vet Practice

Bill Number

228

(if applicable)

Name

Phil Hinkle

Amendment Barcode

(if applicable)

Job Title

Executive Director FL Veterinary Medical Association

Address

7131 Lake Ellenor Dr.

Phone

407-851-3862

Street

Orlando FL 32809

E-mail

phinkle@FRMA.org

City

State

Zip

Speaking:

For

Against

Information

Representing

Florida Veterinary Medical Association

Appearing at request of Chair:

Yes

No

Lobbyist registered with Legislature:

Yes

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12-8-11

Meeting Date

Topic VETERINARY PRACTICE

Bill Number SB 228
(if applicable)

Name DR. STEPHEN SHORES

Amendment Barcode _____
(if applicable)

Job Title FVMA LAG CHAIR

Address 3811 NW 13th ST
Street

Phone 352-372-8387

GAINESVILLE FL 32609
City State Zip

E-mail drshores@yahoo.com

Speaking: For Against Information

Representing Florida Vet Med Assn

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Budget Subcommittee on General Government Appropriations

BILL: SB 140

INTRODUCER: Senator Bennett

SUBJECT: Repeal of a Workers' Compensation Reporting Requirement

DATE: December 8, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Johnson</u>	<u>Burgess</u>	<u>BI</u>	Favorable
2.	<u>Betta</u>	<u>DeLoach</u>	<u>BGA</u>	Favorable
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill repeals s. 440.59, F.S., which requires the Department of Financial Services (DFS) to compile an annual written report on the administration of Florida's Workers' Compensation Law¹ and submit copies of the annual report to the Legislature and the Governor. The Division of Workers' Compensation within the DFS is responsible for preparing this report. Information contained in the annual report is available at the DFS website.

This bill repeals Florida Statute: 440.59.

II. Present Situation:

Pursuant to s. 440.015, F.S., the Department of Financial Services, the Office of Insurance Regulation, the Department of Education, and the Division of Administrative Hearings administer various provisions of the Workers' Compensation Law. The Division of Workers' Compensation within the Department of Financial Services is organized into the following program or functional units: Employee Assistance, Compliance, Monitoring and Audit, Data Quality and Collection, Office of the Special Disability Trust Fund, Office of Assessments, and the Office of Medical Services.

Section 440.59, F.S., requires the DFS to prepare an annual report of the administration of ch. 440, F.S., for the preceding calendar year, including a detailed statement of the receipts of and expenditures from the Workers' Compensation Administration Trust Fund and a statement of the causes of the accidents leading to the injuries for which the awards were made. On or

¹ Chapter 440, F.S.

before September 15 of each year, the DFS is required to submit a copy of the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Democratic and Republican Leaders of the Senate and the House of Representatives, and the chairs of the legislative committees having jurisdiction over workers' compensation.

The *2011 Annual Report of the Florida Division of Workers' Compensation* contains narrative, charts, and graphs depicting the accomplishments and activities of the division. In addition, the report includes information regarding claims, the nature, cause, and body location of workplace injuries, and medical data.

The Division of Workers' Compensation maintains a website that provides data, forms, publications, and other information to assist injured workers, employers, carriers, health care providers, and other interested parties.² Information concerning the division's program areas and claims data is also available at the website.

The expenses associated with the administration of ch. 440, F.S., are funded primarily by assessments on the net premiums of workers' compensation carriers and self-insurers pursuant to s. 440.51, F.S.

III. Effect of Proposed Changes:

Section 1 repeals s. 440.59, F.S., which would eliminate the workers' compensation annual report of the DFS.

Section 2 provides that this act will take effect July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

² The website can be accessed at <http://www.myfloridacfo.com/wc/index.htm>. (Last visited on September 21, 2011.)

B. Private Sector Impact:

Insignificant.

C. Government Sector Impact:

The Department of Financial Services has indicated that the elimination of this written report would result in an annual savings of \$291 in printing costs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Bennett

21-00181-12

2012140__

1 A bill to be entitled
2 An act relating to repeal of a workers' compensation
3 reporting requirement; repealing s. 440.59, F.S.,
4 relating to the duty of the Department of Financial
5 Services to make an annual report on the
6 administration of ch. 440, F.S., the Workers'
7 Compensation Law, to specified officials; providing an
8 effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Section 440.59, Florida Statutes, is repealed.

13 Section 2. This act shall take effect July 1, 2012.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12.7.11
Meeting Date

Topic workers comp Bill Number 140
(if applicable)

Name Ashley Mayer Amendment Barcode _____
(if applicable)

Job Title Dir - Policy Research, Leg Aff

Address Capitol - 22-11 Phone 413-4938
Street

Tallahassee FL E-mail ashley.mayer@myfloridaleg.com
City State Zip

Speaking: For Against Information

Representing Dep't Financial Svcs

Appearing at request of Chair: Yes No
Lobbyist registered with Legislature: Yes No

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This form is part of the public record for this meeting. S-001 (10/20/11)

GOVERNOR RICK SCOTT

“Let’s Get to Work”



Policy and Budget Recommendations

Governor Rick Scott's Budget Recommendations for Environmental Policy

Fiscal Year 2012-13

Presented to the Senate General Government Appropriations
Committee

December 8, 2011



Environmental Policy Unit Office of Policy and Budget

Department of Agriculture & Consumer Services

Department of Environmental Protection

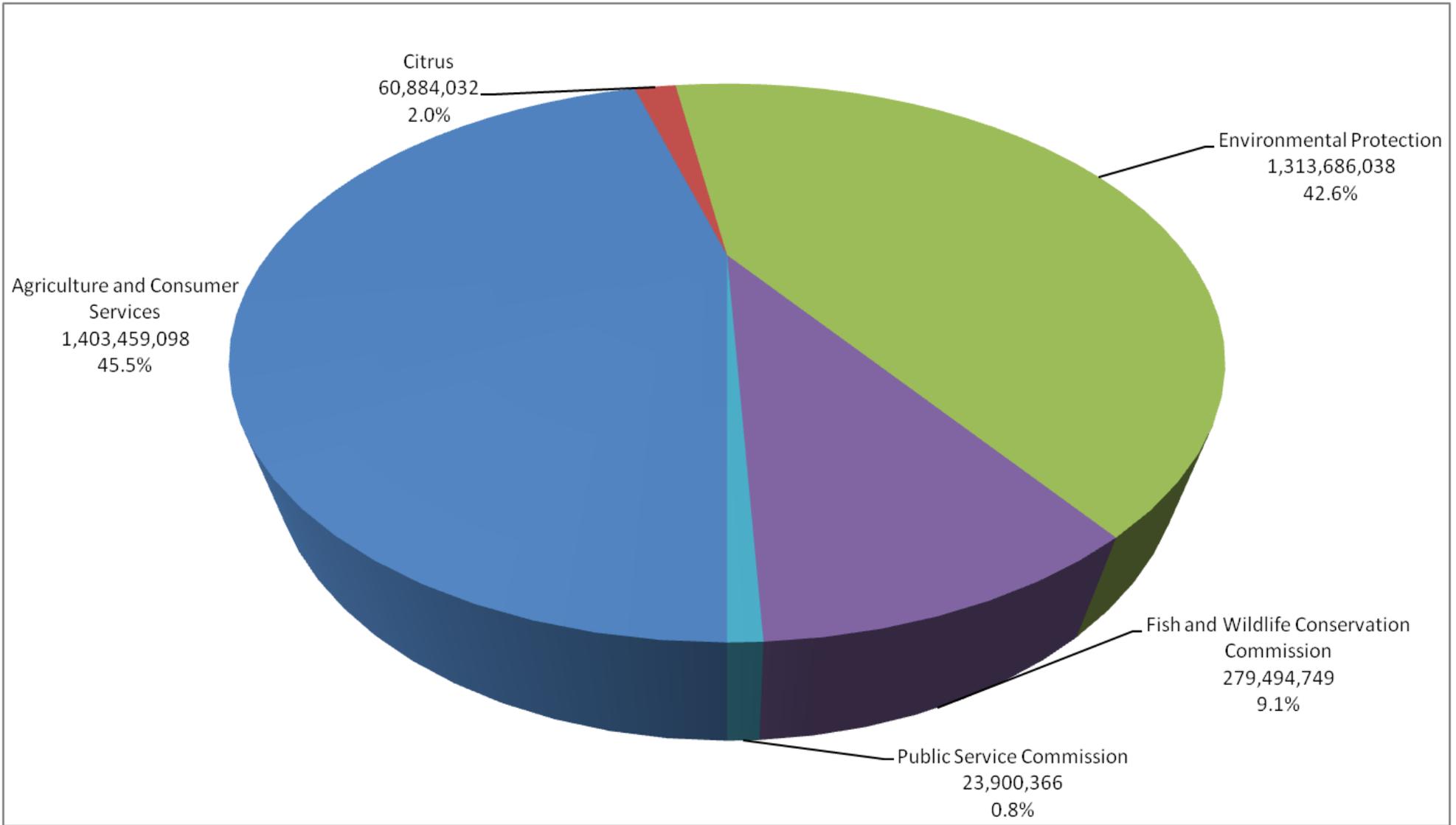
Department of Citrus

Fish & Wildlife Conservation Commission

Public Service Commission



Environmental Policy Unit- \$3.1 Billion



Environmental Policy Unit Totals

- **Base Budget**
 - 9,306.25 positions
 - **\$1.5 billion** (all funds)
- **New Issues**
 - **\$656.5 million** (all funds)
- **Reductions**
 - 368 positions
 - **\$29.4 million** (all funds)



Agency Budgets at a Glance



Agriculture & Consumer Services

\$1.4 Billion

- **\$1 Billion** – Federal Funds
 - **\$950 million** for School Food and Nutrition Transfer (Federal Portion)
 - **\$125.6 million** for Additional Authority for National School Lunch Program
 - **\$5.6 million** for Citrus Health Response Plan (Federal Portion)
 - **\$1.3 million** for Oyster Reseeding and Rehabilitation
 - **\$1 million** for Reappropriation of ARRA Funds
 - **\$850,000** for U.S. Department of Energy Projects
- **\$4.7 million** – Authority to Spend Funds Provided by BP
- **\$3.8 million** – Wildfire Equipment Replacement
- **\$1.1 million** – Agricultural Best Management Practices
- **\$400,000** – Water Conservation Program - Mobile Irrigation Labs



Agriculture & Consumer Services

\$1.4 Billion

Reductions

- **\$8.5 million** by eliminating 199.5 positions vacant over 120 days
- **\$1 million** by reducing Precision Agriculture Daily Logistics Online Calendar (PADLOC) Authority
- **\$.8 million** and 15 positions by consolidating the Division of Standards with Consumer Services



Environmental Protection

\$1.3 Billion

- **\$207.8 million** for Water Resource and Restoration Programs
 - **\$131.8 million** for Clean Water State Revolving Fund
 - **\$68.1 million** for Drinking Water State Revolving Fund
 - **\$7.9 million** for Total Maximum Daily Loads
- **\$128 million** – Petroleum Tank Cleanup Projects
- **\$40 million** – Everglades Restoration
- **\$22.5 million** – Land Acquisition
- **\$13 million** – State Park Repairs and Enhancements
- **\$10 million** – Beach Restoration Projects



Environmental Protection

\$1.3 Billion

Reductions

- **\$3.1 million** by eliminating 64 positions vacant over 120 days
- **\$2.5 million** by reducing the Storage Tank Compliance Program
- **\$1.2 million** by eliminating the transfer to Florida Communities Trust, which is now part of the department



Fish and Wildlife Conservation Commission

\$279.5 million

- **\$6.2 million** – Federal Boating Safety and Improvement Grants
- **\$1.8 million** – Florida Boating Improvement Program
- **\$.8 million** – Artificial Reef Construction
- **\$515,000** – Wildlife Management Area Land Improvements



Fish and Wildlife Conservation Commission

\$279.5 million

Reductions

- **\$1.5 million** by reducing 27 vacant law enforcement positions
- **\$.7 million** and 12 positions by reducing the Keys Sanctuary Federal Contract
- **\$.3 million** by eliminating 8.5 vacant positions vacant over 120 days



Department of Citrus

\$60.9 million

Reductions

- **\$5 million** by realigning budget authority with available revenues
- **\$327,933** by eliminating 6 positions vacant over 120 days



Public Service Commission

\$23.9 million

Reductions

- **\$1 million** by eliminating 17 positions in order to streamline processes, eliminate duplicative inspections and reduce regulatory authority.



Environmental Policy Unit Office of Policy & Budget

Andrew S. Grayson, Esq.,
Policy Coordinator

Andrew.Grayson@laspbs.state.fl.us
(850) 488-5551



GOVERNOR RICK SCOTT

Fiscal Year 2012-2013



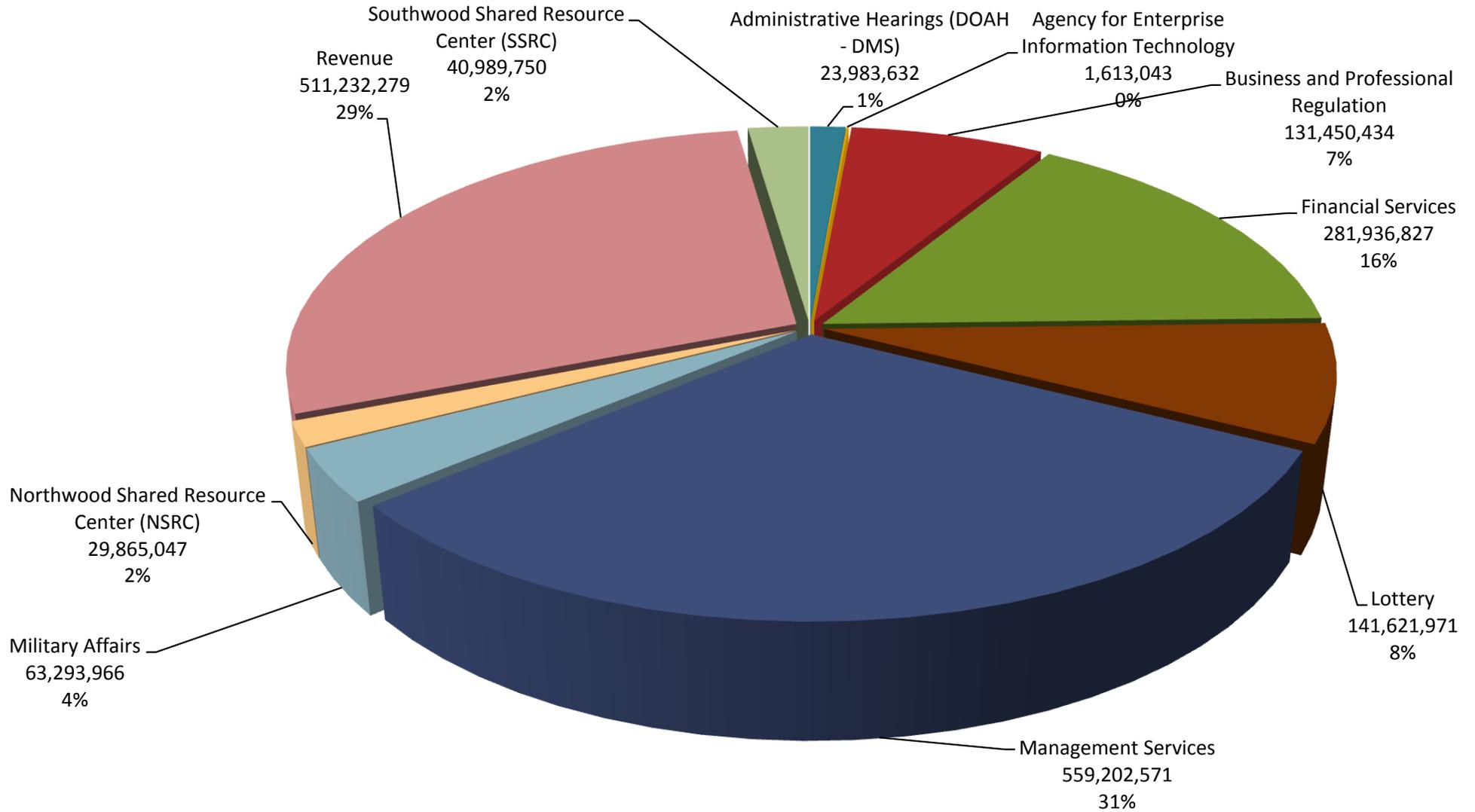
“By focusing our commitment on education, we can ensure Floridians have the ability to work”

“By helping Florida businesses have a competitive advantage over those in other states, we can put more Floridians to work”

“Through free market and limited government, we can keep the cost of living low for Floridians”

Policy and Budget Recommendations

General Government Unit - \$1.8 Billion



Governor Scott's Solution

1. Accountability Budgeting

2. Reduce Government Spending

3. Regulatory Reform

4. Focus on Job Growth and Retention

5. World Class Education

6. Reduce Taxes

7. Eliminate Florida's Corporate Income Tax

1. Accountability Budgeting

- **Pilot Three Agencies:**
 - *Department of Revenue*
 - *Office of Financial Regulation*
 - *Florida Department of Law Enforcement*
- **General Appropriations Act:**
 - *Roll-up traditional categories*
 - *Provide service description*
 - *Provide Performance Measurement*
- **Budget Implementing Legislation:**
 - *Track Measures and report progress*
 - *Develop Improvement Plans*
 - *Provide Incentives and Disincentives for progress or failure*

2. Reduce Government Spending – General Government Detail

Agency	Reductions	
	Amount	Positions
Division of Administrative Hearings	\$ 953,764	6
Agency for Enterprise Information Technology	16,982	0
Business and Professional Regulation	2,845,071	17.5
Financial Services (including OIR and OFR)	12,981,700	164
Lottery	680,914	2
Management Services	7,463,186	16.5
Military Affairs	207,027	4
Northwood and Southwood Shared Resource Centers	1,721,531	2
Revenue	7,707,184	62
Grand Total	34,577,359	274

Budget Recommendation Guidelines

- Eliminate positions vacant over 120 days – 150.5 positions
- Eliminate noncore mission programs
- Streamline agencies through process efficiencies
- Reduce excess budget based on reversion history
- Continue to consolidate state agency data centers and agency e-mail services
- Replace motor vehicles with over 150,000 miles
- Sweep excess trust fund cash to General Revenue



HIGHLIGHTS

Department of Business and Professional Regulation

- Upgrade licensing system- \$1.9m
- Replace motor vehicles - \$600k
- Upgrade field technology for hotel and restaurant inspectors - \$380k
- Division of Alcoholic Beverages and Tobacco efficiency reductions – (\$340k and 8 positions)
- Eliminate noncore mission program funding - \$275k
- Trust fund sweep - \$10.5m



HIGHLIGHTS

Department of Financial Services

- Provide additional Personal Injury Protection (PIP) fraud investigators - \$670k and 6 positions
- FLAIR strategic planning- \$300k
- Efficiencies and other reductions in Department of Financial Services, Office of Financial Regulation, and Office of Insurance Regulation – (\$13m and 164 positions)
- Trust fund sweeps - \$57.63m



HIGHLIGHTS

Lottery

- Fund additional on-line terminals - \$850k
- Fund additional instant ticket vending machines - \$1.4m
- Fund full service vending machines for on-line and instant ticket products - \$2.9m
- Replace motor vehicles - \$1.1m
- Replace statewide integrated security system -\$570k
- Efficiency reductions – (\$450k)



HIGHLIGHTS

Department of Management Services

- Continue Florida Interoperability Network - \$2m
- Continue Mutual Aid - \$3m
- Repair and renovation of DMS Managed Buildings and Historic Capitol- \$8.7m
- Health insurance management information system - \$1.1m
- Continue statewide broadband initiative-\$800k
- Reduce human resources contract – (\$1.7m)



HIGHLIGHTS

Department of Revenue

- One Stop registration for businesses portal development - \$3m
- Continue funding for 52 positions that were funded with non-recurring dollars - \$2.3m
- CAMS II completion and operation - \$10m – mostly non-recurring
- Fiscally constrained counties - \$25.5m
- Aerial photography for small counties - \$500k
- Planned progression pay increases for tax auditors - \$730k
- State payment of child support collection fee for non-assistance cases – (\$2m)
- Eliminate sales tax collection allowance for paper filers - \$8.1m additional General Revenue



HIGHLIGHTS

Division of Administrative Hearings

- Reduction due to assessment for appeals of Florida Commission on Human Relations judgments – (\$230k)
- Reduction due to Workers Compensation Appeals caseload decrease – (\$500k)



HIGHLIGHTS

Shared Resource Centers

- Next wave of primary data center consolidation -\$2.1m
- Statewide e-mail consolidation -\$12m



THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12-8-11

Meeting Date

Topic FWC Agency Budget Bill Number _____ (if applicable)
Name Sandra Wilson Amendment Barcode _____ (if applicable)
Job Title CFO

Address 620 S. Meridian St. Phone 850-528-5230
Street
Tallahassee, FL 32399-1500 E-mail sandrawilson@~~com~~
City State Zip myfwc.com

Speaking: For Against Information

Representing Fish and Wildlife Conservation Comm

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/8/11

Meeting Date

Topic GOVERNORS ENVIRONMENTAL BUDGET

Bill Number (if applicable)

Name ANDREW GRAYSON

Amendment Barcode (if applicable)

Job Title POLICY COORDINATOR

Address 1801 THE CAPITAL

Phone 850-488-5551

Street

TALLAHASSEE FL 32399

City

State

Zip

E-mail andrew.grayson@laspbs.state.fl.us

Speaking: [] For [] Against [x] Information

Representing EXECUTIVE OFFICE OF THE GOVERNOR

Appearing at request of Chair: [x] Yes [] No

Lobbyist registered with Legislature: [] Yes [] No

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THE FLORIDA SENATE
APPEARANCE RECORD

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12-8-11

Meeting Date

Topic Governor's Recommended Budget Bill Number _____
(if applicable)

Name Laurie Grasel Amendment Barcode _____
(if applicable)

Job Title Policy Coordinator - General Government Unit

Address _____ Phone _____
Street

_____ E-mail _____
City State Zip

Speaking: For Against Information

Representing Governor's Office

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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S-001 (10/20/11)



Florida's Public Hurricane Loss Projection Model

Presentation to the Senate Subcommittee on General Government Appropriations

Kara Collins-Gomez, Government Operations Staff Director

December 8, 2011

Project Scope

- **What are the benefits of having a public model?**
- **How is the public model funded?**
- **How much does the public model cost?**
- **What additional steps could be taken to increase private funding for the public model?**
- **What options could the Legislature consider regarding the public model?**

Background

- The **Public Hurricane Loss Projection Model** was created to provide the Office of Insurance Regulation an additional regulatory tool
- Since 2000, the Legislature has provided OIR **\$11 million** for model creation, operation, and maintenance
- Several public and private entities use the model: **OIR, Citizens Property Insurance Corp., Florida Hurricane Catastrophe Fund, private insurers**

Public Model Has Several Benefits

- Provides OIR an **independent tool** to facilitate its review of the reasonableness of insurer rate filings
- **More transparent** than private models because its assumptions, methods, theories, and components are described in technical reports and other publications
- Offers an **additional source of information** for insurers to consider when evaluating risk exposure associated with their portfolio of policies

Public Model Supported Primarily By State Funds

- FIU receives annual **funding from OIR**, most of which is used to support the model's routine operation and maintenance - **\$588,409** from Insurance Regulatory TF in FY10-11
- FIU also receives **fees for providing modeling services** to other state entities and private insurers - **\$190,160** in FY10-11
 - Citizens - \$28,122
 - Catastrophe Fund - \$32,700
 - Private insurers - \$129,338

Annual Expenditures Vary; FIU Tries to Minimize Costs

- Annual **direct expenditures** for operating, maintaining, and updating the public model - **\$723,937** in FY10-11
- FIU and partner universities report taking **steps to minimize** operational and maintenance costs
 - Use graduate students to process insurer data, receive discounted computer processing services, do not charge for all faculty and staff time – estimated annual value for FIU **\$189,333**
 - Receive in-kind support from National Oceanic and Atmospheric Administration – estimated annual value **\$150,000**

Legislature Has Taken Steps to Increase Private Funding

- May 2011: Legislature amended state law to allow user fees based on reasonable cost associated with public model operation and maintenance
- November 2011: FIU representatives reported establishing higher user fees
 - Under new fee structure, an insurer that paid \$4,253 in FY10-11 would pay \$6,071 in FY11-12 (43% increase)
- FIU representatives reported considering further fee increases, but that higher fees depend on insurer demand

Additional Efforts Could Be Made to Increase Private Funding

- FIU could **market the public model** to insurers
 - Not previously marketed because it was initially developed for the sole use of OIR
 - University representatives estimated that annual cost for a marketing/business manager would be approximately **\$100,000**

- FIU could **enhance the public model** to make it more useful to insurers
 - University representatives reported that adding a storm surge component could make the model more attractive to insurers
 - They estimated that it would take approximately one year and at least **\$250,000** to make an existing university storm surge model compatible with the public model

Legislature Could Consider Other Options for the Public Model

- **Discontinue state funding**
 - Saves nearly \$600,000 per year in state funds but OIR would lose an independent benchmarking tool
- **Reduce state funding as it is offset by increasing fees paid by insurers**
 - Reduces reliance on state funds but is heavily dependent on increased use by private insurers
- **Continue the current funding mechanism**
 - Preserves OIR's regulatory toolkit but state would continue to spend \$600,000 a year that could be used for other purposes

Questions?

Kara Collins-Gomez
Government Operations Staff Director
collins-gomez.kara@oppaga.fl.gov
850-487-4257

oppaga

THE FLORIDA LEGISLATURE'S OFFICE OF PROGRAM POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY

OPPAGA supports the Florida Legislature by providing data, evaluative research, and objective analyses that assist legislative budget and policy deliberations.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/8/11
Meeting Date

Topic Public Hurricane Loss Model

Bill Number _____
(if applicable)

Name Kara Collins-Gamer

Amendment Barcode _____
(if applicable)

Job Title Staff Director

Address 111 West Madison St.
Street

Phone _____

Tallahassee FL 32399
City State Zip

E-mail _____

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

12-8-11

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Topic OPAGA Report on FL Public Hurricane Model Bill Number _____ (if applicable)

Name DR. MARK POWELL Amendment Barcode _____ (if applicable)

Job Title ATMOSPHERIC SCIENTIST

Address 4512 Grove Park Dr. Phone 850 745 0381

Street

Tallahassee FL 32311

City

State

Zip

E-mail MARK.POWELL@NOAA.gov

Speaking: For Against Information

Representing Florida Public Hurricane Model

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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12/8/2011
Meeting Date

Topic Presentation on Florida Public Hurricane Model Bill Number _____
Name SHAHID HAMID (if applicable)
Job Title Professor and Director Amendment Barcode _____
Address Dept of Finance Florida International University Phone 305 348 2727
Miami FL 33199 E-mail shahids@fui.edu
City State Zip

Speaking: For Against Information

Representing Florida Public Hurricane Loss Model

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

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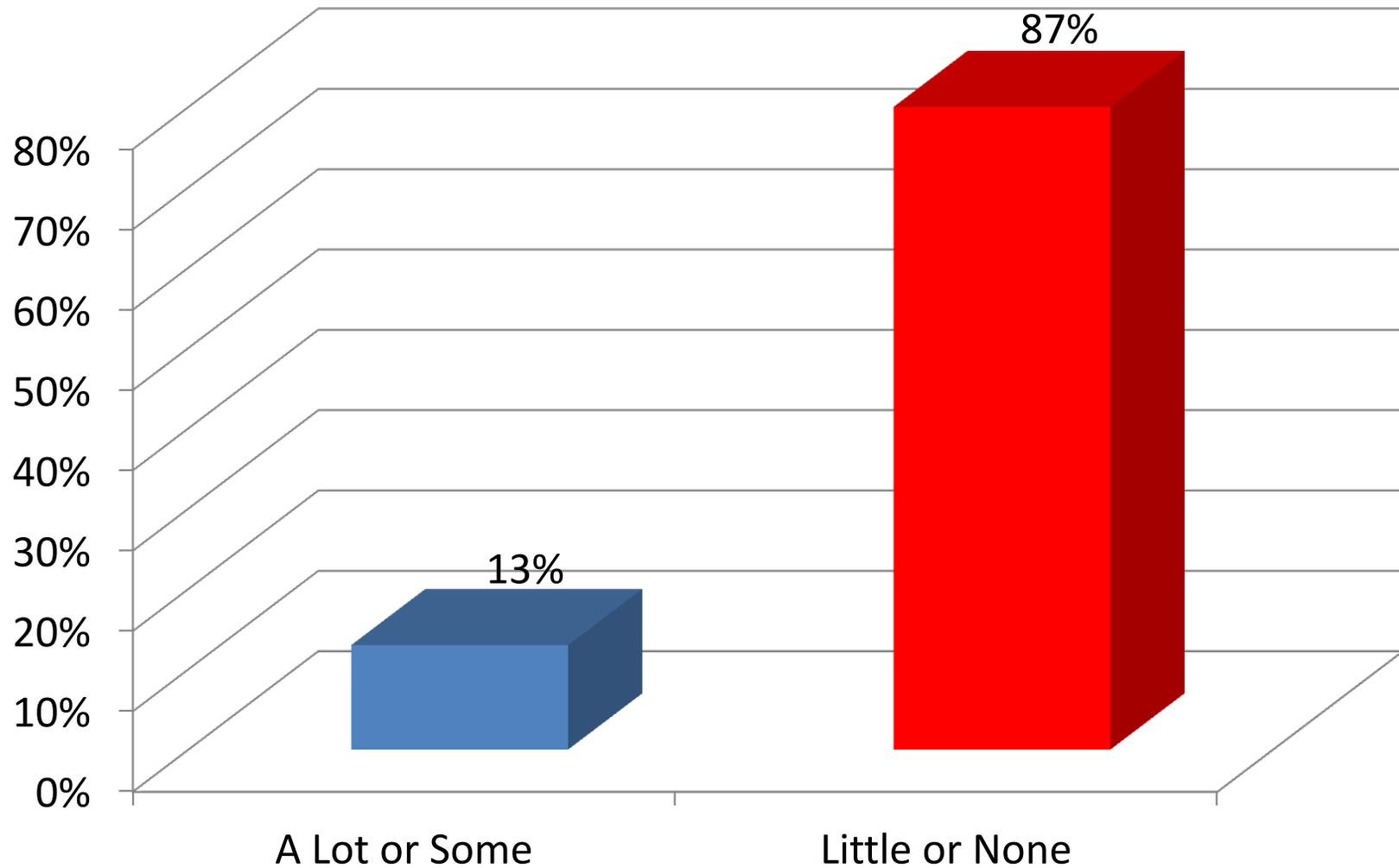
S-001 (10/20/11)

Building Trust

Legislative Budget Request Fiscal Year 2012-2013

Commissioner
Tom Grady

How much trust do you have in bankers or brokers to make your retirement savings safer?

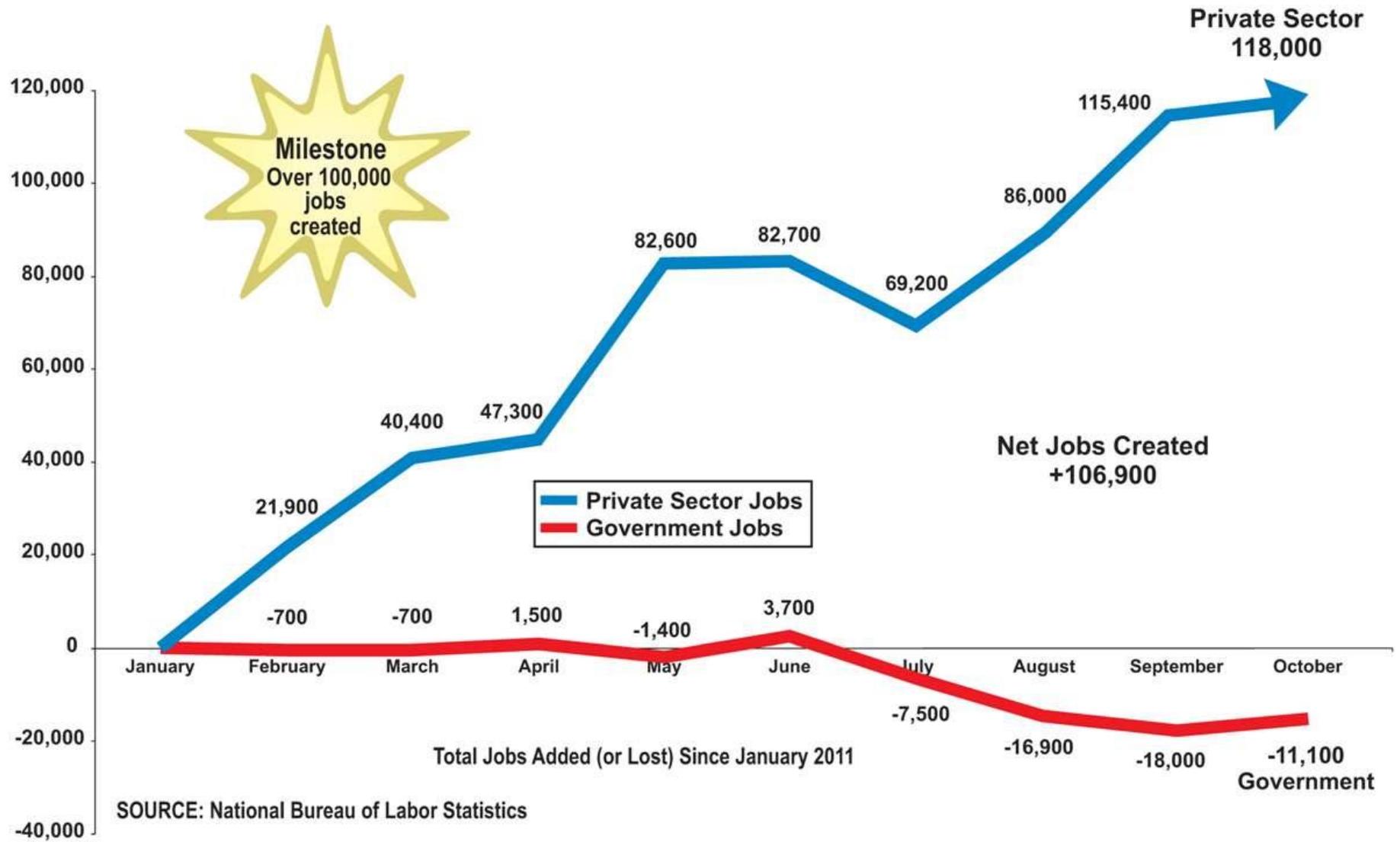




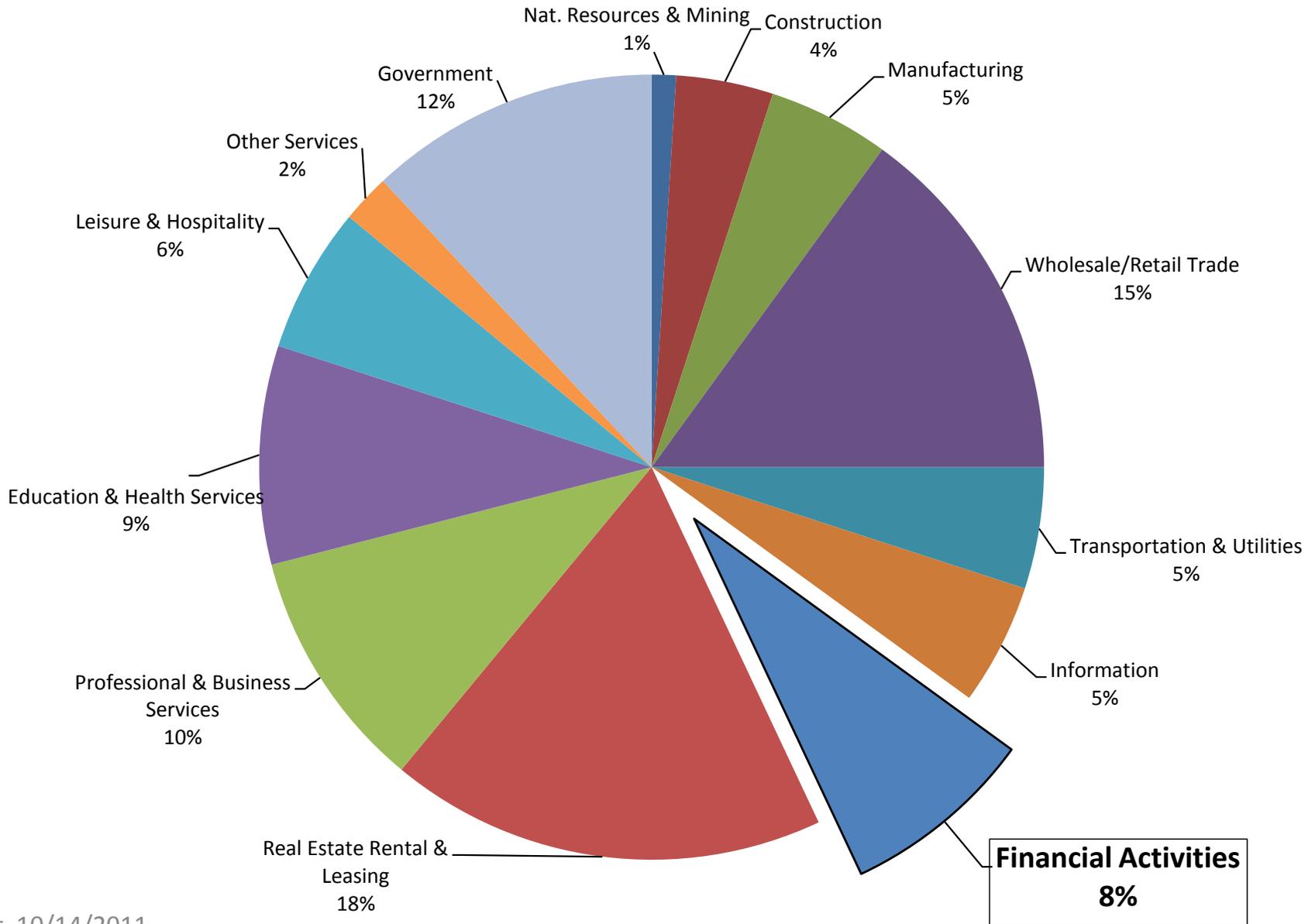
Certainty = Jobs

HEADED IN THE RIGHT DIRECTION

Florida Job Creation: Private Sector vs. Government

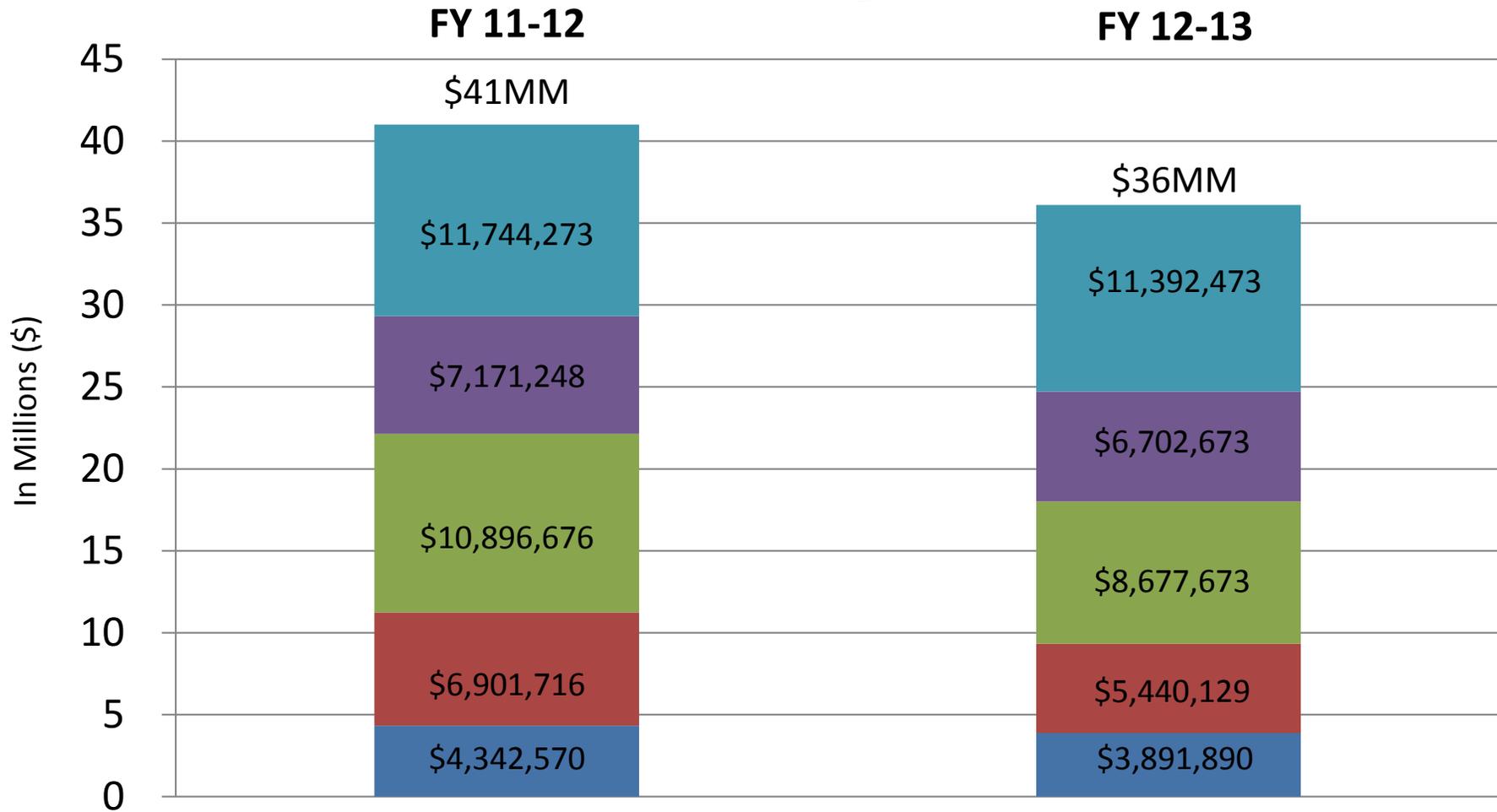


2010 Florida Gross State Product



Initiatives
People
Regulatory, Redundancy, and Caseload Reform
Budget Pilot

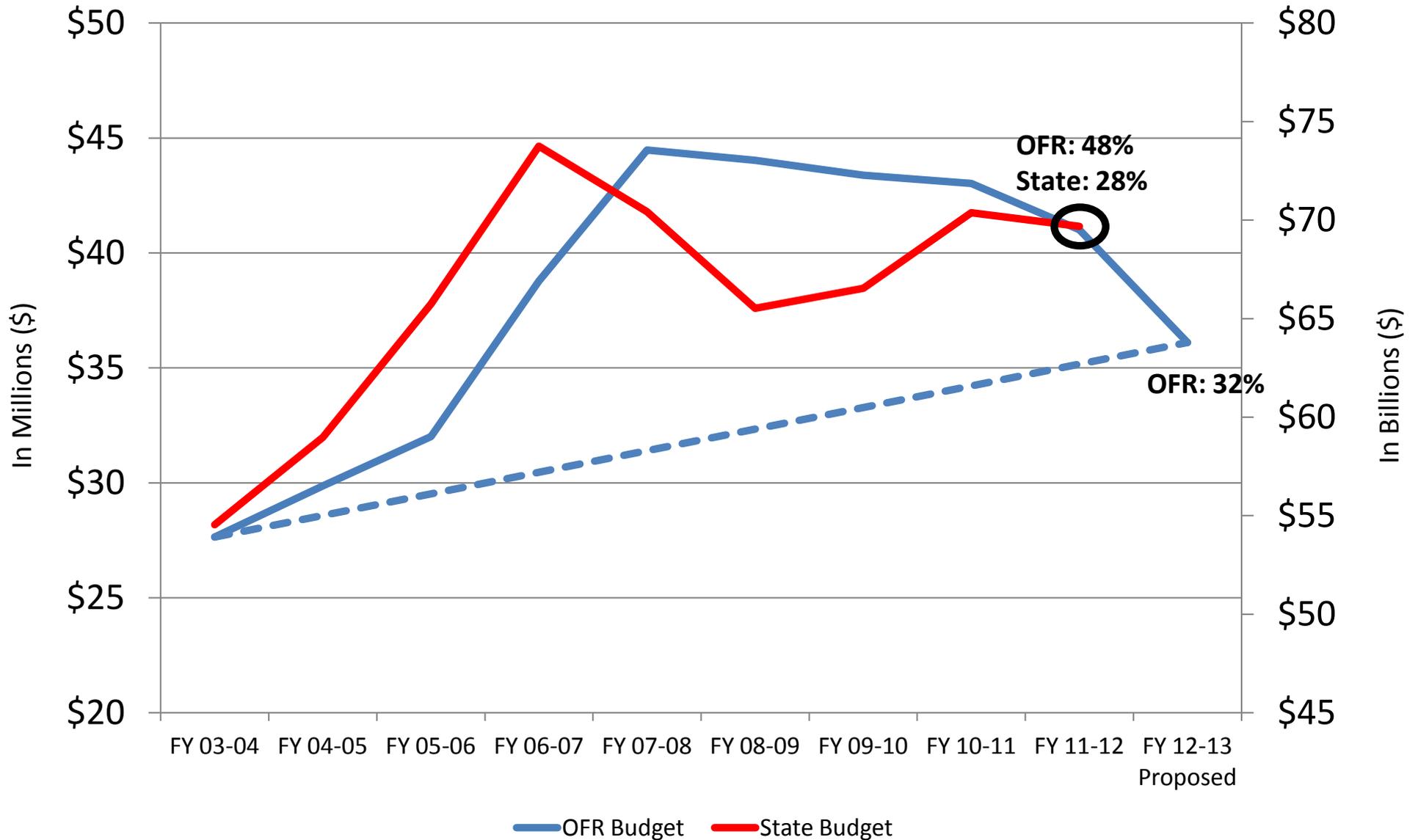
Budget



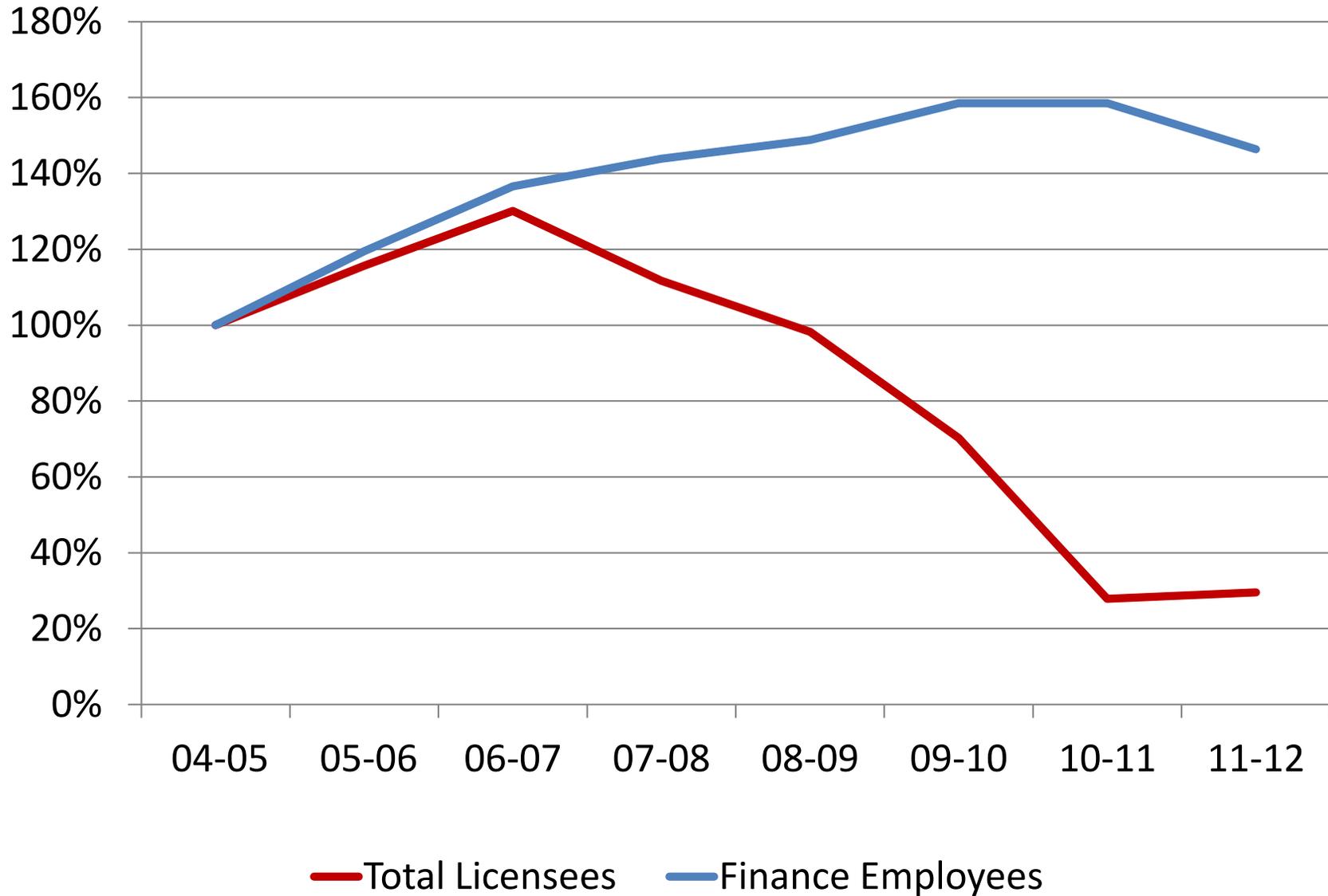
Proposed Reduction: \$4,951,578 – 12%

- Financial Investigations
- Executive Direction
- Finance Regulation
- Securities Regulation
- Safety & Soundness of State Banking
- Compliance and Enforcement

Budget



Finance Licensees



Schedule VIII B-2 Guidelines

“Agencies should seriously consider reducing programs and services that do not achieve a sufficient level of performance.”

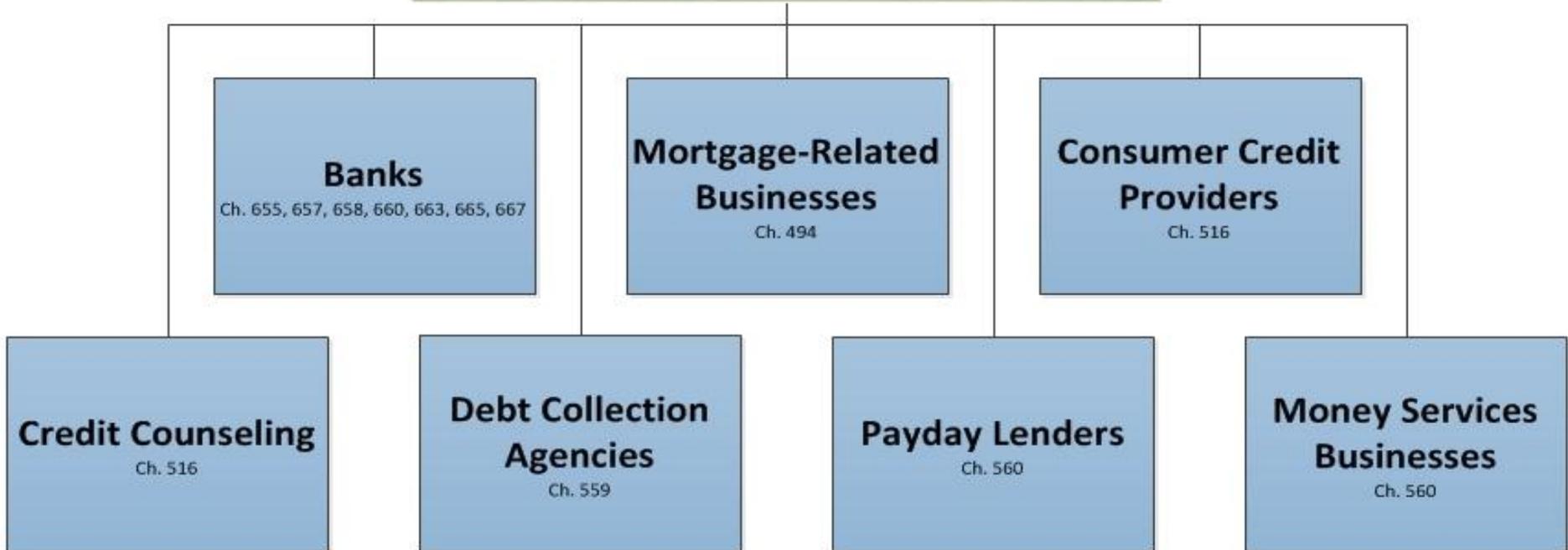
Ch. 120, Florida Statutes

120.74 Agency review, revision, and report.—

“...In the review, each agency must:

(f) Contact agencies that have concurrent or overlapping jurisdiction to determine whether their rules can be coordinated to promote efficiency, reduce paperwork, or decrease costs to government and the private sector...”

Consumer Financial Protection Bureau



Elements of the Budget Pilot

Increased Mid-Year
Flexibility

4 Line Items

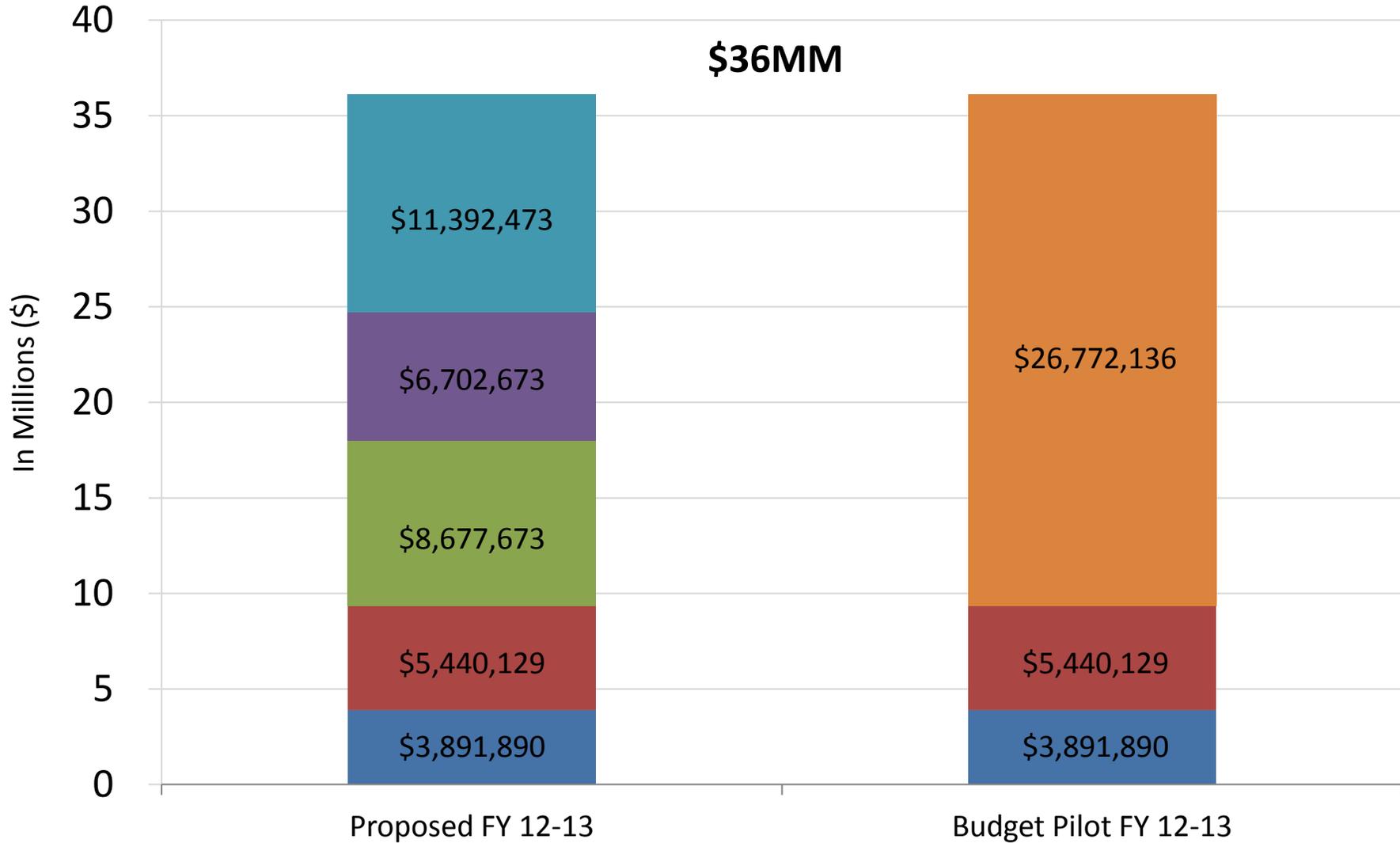
Outcome-Based

Performance Measurement & Accountability

Budget Pilot Performance Metrics

<p>Executive Direction</p>	<p>Achieve 100% of the agency's goals</p> <p>Limit general administrative costs to 5% of total costs and 6% of total positions</p>
<p>Compliance</p>	<p>80% of licensing applications to be approved or denied within 15 days, 90% within 30 days, and 100% within 45 days</p>
<p>Enforcement</p>	<p>OFR to commence certain enforcement proceedings within 30 days in 90% of cases, with 100% in 60 days</p>
<p>Investigations</p>	<p>Dedicated to detecting systemic risk rather than isolated instances of fraud</p>

Budget Pilot



Financial Investigations
 Securities Regulation

Executive Direction
 Safety & Soundness of State Banking

Finance Regulation
 Compliance and Enforcement

Building Trust



PUBLIC EMPLOYEES RELATIONS COMMISSION

PERC AGENCY OVERVIEW

**Prepared for the
SENATE SUBCOMMITTEE ON
GENERAL GOVERNMENT APPROPRIATIONS
December 8, 2011**

Mission



The Public Employees Relations Commission is a small quasi-judicial agency created to resolve public sector labor and employment disputes **and to otherwise effectuate the state's labor policy to promote harmonious** and cooperative relationships between government and its employees, both collectively and individually, and to protect the public by assuring the orderly and uninterrupted operations and functions of government as prescribed by the Florida Constitution and state statutes.

The Commission serves over 600,000 employees and has jurisdiction over all state and local governments to include cities, counties, school boards and special taxing districts.

Performance Results



- 12%: Increase in case filings since 2009-10
- 98%: Cases closed within legislatively-imposed time frames
- 94%: Commission affirmed by the appellate courts or cases dismissed/withdrawn by parties on appeal



Jurisdiction and Authority



LABOR

- **Labor Cases (1,094)**
 - Art. I, s. 6, Fla. Const.
 - Ch. 447, Part II, Fla. Stat.
- **Other Labor Functions**
 - Union Registrations
 - Union Elections
 - Collective Bargaining Impasse Resolution

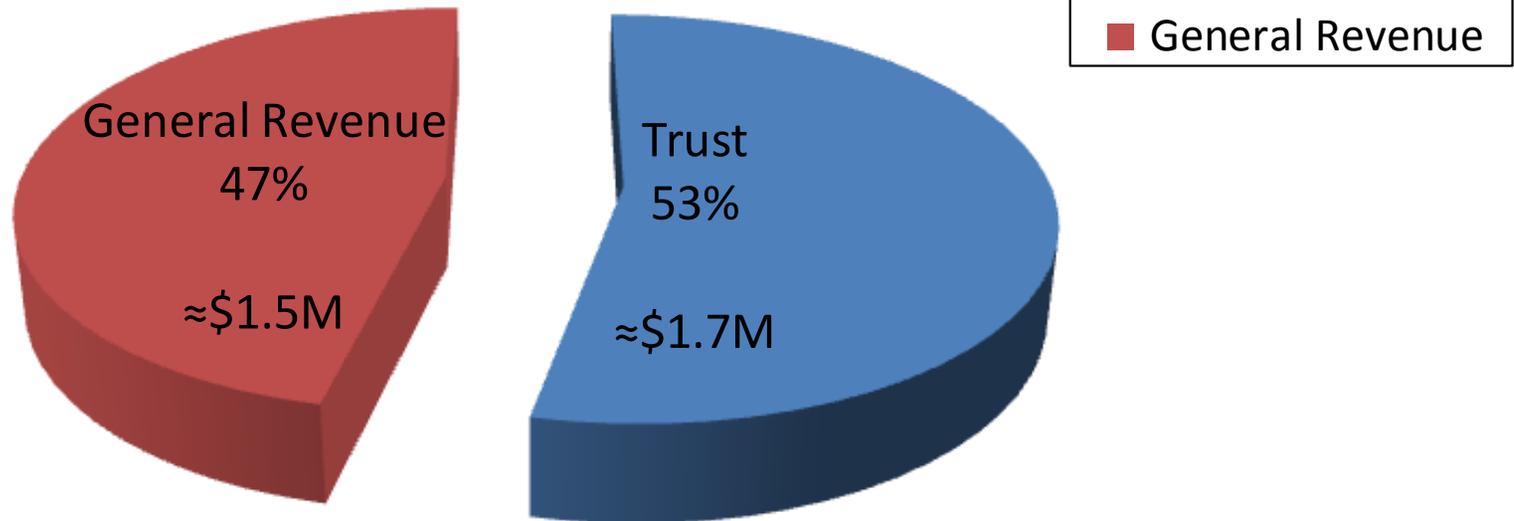
EMPLOYMENT

- **Career Service Appeals (512)**
 - Art. III, s. 14, Fla. Const.
 - ss. 110.227, 447.207, Fla. Stat.
- **Other Employment Cases**
 - **Veterans' Preference Appeals**
 - Drug-Free Workplace Act Appeals
 - Age Discrimination Appeals
 - Forced Retirement Appeals
 - Whistle Blower Act Appeals

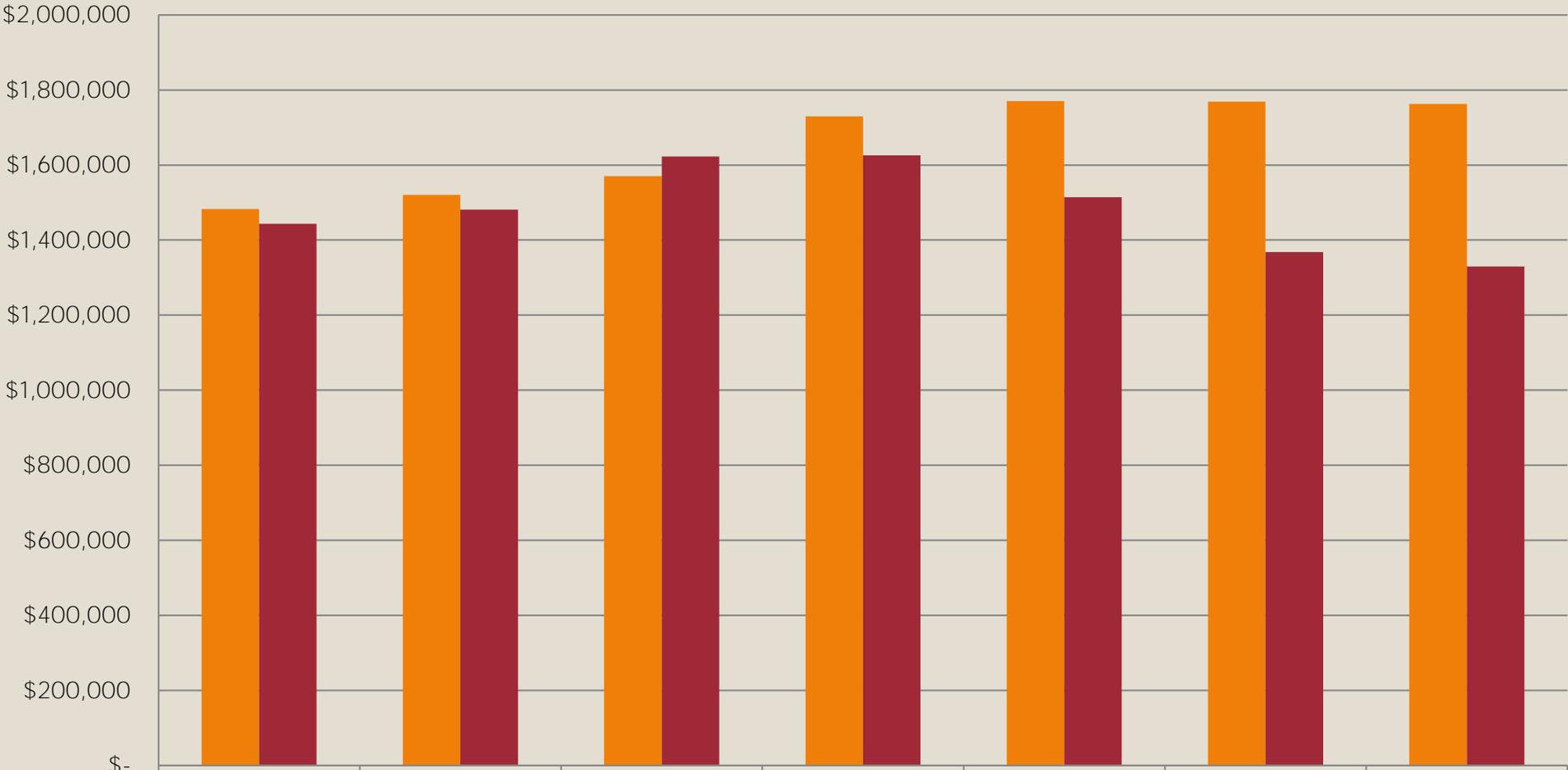
Budget Overview



2011-2012 Legislative Appropriation Total: \$3.2M



Trust Fund: Appropriations vs. Revenue Receipts



	FY 03-04	FY 04-05	FY 05-06	FY 06-07	FY 07-08	FY 08-09	FY 09-10
Appropriation	\$1,482,970	\$1,520,302	\$1,570,735	\$1,729,384	\$1,770,267	\$1,769,181	\$1,763,129
Receipts	\$1,443,569	\$1,481,426	\$1,622,627	\$1,625,856	\$1,514,468	\$1,368,100	\$1,329,839

Matters of Concern



- Trust Funding comes primarily from a distribution from the Local Government Half Cent Sales Tax. Declining sales tax revenues have resulted in Trust fund shortfalls.
- In the last five fiscal years staffing has been reduced by 26% while the caseload has increased by 57%.
- Position reductions have resulted in minimal staffing **levels and no “back up” provisions. This leaves the Commission particularly vulnerable to an inability to perform its mission.**
- Meet legislative objectives and perform mission.

Cost Savings Measures



- Implemented phase one of ePERC – electronic filing system
- Implemented digital recordings to eliminate court reporters at agency expense
- Eliminated OPS (temporary) administrative and legal staff support
- Reduced printing, paper, postage and equipment maintenance costs
- Reduced cell phone and Blackberry expense (less than \$100 per mo.)
- Reduced number of phone lines by 39%
- Implemented a freeze on ALL discretionary spending
- Hearings conducted via teleconference rather than on-site to reduce travel costs
- Reduced two of three Commissioners from full-time positions to part-time positions



Public Employees Relations Commission 10% Reduction Plan



2011-2012 Base Budget

GENERAL REVENUE	CATEGORY	TRUST FUND
\$ 1,350,652 (91%)	SALARIES/ BENEFITS	\$ 1,234,606 (72%)
\$ 9,277	Other Personal Services	\$ 53,628
\$ 27,094	EXPENSES	\$ 354,664 (21%)
\$ 7,399	Operating Capital Outlay	\$ 5,721
\$ 35,070	CONTRACT SRVCS	\$ 32,500
\$ 8,555	Special Category RISK MANAGEMENT	\$ 12,542
\$ 34,314	Special Category ADMIN. OVERHEAD	\$ -----
\$ 6,181	Special Category HR SERVICES	\$ 5,306
\$ 8,388	Special Category DP SERVICES (IT)	\$ 10,900
\$ 1,486,930	TOTAL	\$ 1,709,867

Total Budget: \$3,196,797

Target Reduction (\$305,400)

- Reduce Salaries & Benefits by 8%
 - Cut 25% of legal/hearing officer staff
 - (2 of 24 FTEs - \$209,588)
- Reduce OPS (temporary staffing) by 100%
- Reduce Contractual Services by 33%
- Reduce Administrative Overhead paid to DMS by 20%
- Reduce DP Services (IT) by 19%

CourtSmart Tag Report

Room: SB 401

Case:

Type:

Caption: Senate Budget Subcommittee on General Government Appropriations

Judge:

Started: 12/8/2011 1:02:09 PM

Ends: 12/8/2011 3:00:29 PM

Length: 01:58:21

1:02:11 PM Meeting called to order
1:02:52 PM SB 140 by Sen. Bennett
1:03:39 PM Ashley Mayer, Dept. of Financial Svcs.
1:04:21 PM SB 228 by Sen. Latvala presented by Jennifer Wilson
1:06:09 PM Phil Hinkle, FL Veterinary Medical Association
1:06:10 PM Dr. Stephen Shores, FI Vet Med Assn.
1:07:59 PM Gov. FY 2012-13 budget recommendations by Andrew Grayson, Governor's Office of Policy and Budget Environment Unit
1:19:18 PM Sandra Wilson, Fish and Wildlife Conservation Commission
1:19:59 PM Andrew Grayson, Governor's Office of Policy and Budget Environment Unit
1:21:46 PM Chmn. Hays
1:22:58 PM Laurie Grasel, Governor's Office of Policy and Budget General Government Unit
1:54:46 PM Chmn. Hays
1:55:25 PM Agency Presentation of Schedule VIII A Budget Priorities and Schedule VIII B Reduction proposals for FY 2012-13:
1:55:26 PM Presentation by Commissioner Tom Grady, Ofc. of Financial Regulation
2:16:12 PM Chmn. Hays
2:16:39 PM Sen. Braynon
2:19:43 PM Chmn. Hays
2:19:50 PM Sen. Bullard
2:26:22 PM Chmn. Hays
2:26:31 PM Presentation on the Florida Public Hurricane Loss Projection Model by OPPAGA by Kara Collins-Gomez, OPPAGA
2:38:11 PM Chmn. Hays
2:38:41 PM Sen. Diaz de la Portilla
2:39:41 PM Chmn. Hays
2:39:43 PM Sen. Braynon
2:41:51 PM Kara Collins-Gomez, OPPAGA
2:50:31 PM Chmn. Hays
2:51:05 PM Dr. Mark Powell & Shahid Hamid re: Florida Public Hurricane Model
2:51:47 PM Agency Presentation of Schedule VIII A Budget Priorities and Schedule VIII B Reduction proposals for FY 2012-13:
2:51:48 PM Presentation by Mike Hogan, Public Employees Relations Commission
2:59:39 PM Motion by Senator Diaz de la Portilla to vote yea after roll call on SB 140
3:00:21 PM Meeting adjourned