

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

MEETING DATE: Wednesday, March 13, 2013
TIME: 2:00 —5:00 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Office Building

MEMBERS: Senator Hays, Chair; Senator Thompson, Vice Chair; Senators Bradley, Braynon, Bullard, Dean, Detert, Joyner, Latvala, Legg, Simpson, Soto, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 326 Hays (Identical CS/H 4007)	Powers and Duties of the Department of Environmental Protection; Removing an obsolete reference for purposes of calculating the reimbursement for transportation and utility crossings of greenways lands in Marion County; repealing a specified provision relating to additional powers and duties of the Department of Environmental Protection to dispose of surplus lands that were for the construction, operation, or promotion of a canal across the peninsula of the state and refund payments to counties, etc. EP 02/06/2013 Favorable CU 03/06/2013 Favorable AGG 03/13/2013 Favorable AP	Favorable Yeas 12 Nays 0
2	CS/SB 372 Regulated Industries / Latvala (Similar CS/H 45)	Vehicle Permits; Authorizing a licensed vendor to transport alcoholic beverages from a distributor's place of business to the vendor's licensed premises in a vehicle owned or leased by a person identified on a license application filed by the vendor and approved by the division; requiring each operator to sign the application; revising permit requirements for such vehicles, including a specified fee per vehicle; authorizing the inspection and search of such vehicles without a search warrant, etc. RI 02/21/2013 Fav/CS TR 03/07/2013 Favorable AGG 03/13/2013 Favorable AP	Favorable Yeas 12 Nays 0
3	Presentation on FY 2013-14 Proposed Budget Reductions - Schedule 8B Department of Financial Services		Presented
4	Presentation by Farm Share		Presented
5	Presentation by Florida Association of Food Banks		Presented

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on General Government
Wednesday, March 13, 2013, 2:00 —5:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
6	Budget Work Session		Presented
7	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 Appropriations Subcommittee on General Government

BILL: SB 326

INTRODUCER: Senator Hays

SUBJECT: Powers and Duties of the Department of Environmental Protection

DATE: March 12, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Gudeman</u>	<u>Uchino</u>	<u>EP</u>	Favorable
2.	<u>Wiehle</u>	<u>Caldwell</u>	<u>CU</u>	Favorable
3.	<u>Howard</u>	<u>DeLoach</u>	<u>AGG</u>	Favorable
4.	_____	_____	<u>AP</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

SB 326 removes an obsolete reference relating to right-of-way access in Marion County across portions of the Cross Florida Greenway (CFG) and repeals the sale and exchange procedures specific to surplus CFG lands. The repeal makes the procedures for the sale and exchange of surplus former CFG lands consistent with the current Board of Trustees of the Internal Improvement Trust Funds' procedures for the disposal of surplus state conservation lands.

By eliminating the separate procedure for the surplus and exchange of CFG lands, efficiency savings may be realized. In addition, the sale and exchange of surplus CFG lands could increase state revenues. The savings and increased revenues are indeterminate at this time.

The bill amends section 253.7827, Florida Statutes and repeals section 253.783(2), of the Florida Statutes.

II. Present Situation:

Cross Florida Greenway

The Cross Florida Barge Canal Project was begun in 1933 with the goal of creating a deep-water shipping canal across the state. Construction began in 1935 with federal funding as part of the New Deal, but work was suspended in 1936 when both President Franklin D. Roosevelt's support and funding decreased.¹ With German U-boats off the Florida coast in 1942, Congress

¹ Florida Trend, *Lessons from the Cross Florida Barge Canal Project*, (Feb. 1, 2010), <http://www.floridatrend.com/article/4509/lessons-from-the-cross-florida-barge-canal-project> (last visited Feb. 28, 2013).

passed a bill authorizing construction of another canal following the same route, this one a barge canal. No funding was provided and no work was done.²

In 1964, federal money was provided and construction was begun anew.³ Environmentalists opposed the canal, led by Marjorie Carr, and, in 1971, President Richard Nixon signed an executive order suspending work on the canal.⁴ During this time, thousands of acres of land were acquired.

In 1990, Congress officially de-authorized the project in the Water Resources Development Act of 1990 (Act). All federal canal lands and structures were transferred to the state to be managed as a conservation and recreation area, provided that the state:

- Holds the federal government harmless for claims arising from operation of federal lands and facilities;
- Maintains the corridor as a public greenway for compatible recreation purposes, including specified areas;
- Agrees to preserve, enhance, interpret, and manage the natural and cultural resources contained in specified areas;
- Pays Citrus, Clay, Duval, Levy, Marion, and Putnam Counties a minimum aggregate sum of \$32 million, or at the option of the counties, payment by conveyance of surplus barge canal lands selected by the state at current appraised values; and
- Uses any remaining funds generated from the sale of surplus CFG lands to acquire fee title or easements to other lands along the project route. Funds generated from the sale of surplus CFG lands *must* be used for the improvement and management of the greenway corridor. The Act does not dictate the procedures the state must use to surplus CFG lands, only how the funds from the sale of surplus land are to be used.⁵

If the state fails to comply with the above requirements, the Act provides legal remedies. These include: injunctive relief, specific performance, declaratory judgment, or monetary damages. Courts are also authorized to award costs of litigation to prevailing parties.

The former canal land, officially known as the Marjorie Harris Carr Cross Florida Greenway (CFG), is managed by the Office of Greenways and Trails. The CFG is a multi-use area and provides natural resource-based recreation including fishing, camping, hunting, boating, bicycling, and horseback riding.⁶

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ See Sec. 1114(d) of the Water Resource Development Act of 1986 as amended by Sec. 402 of the Water Resource Development Act of 1990, available at <http://www.fws.gov/habitatconservation/Omnibus/WRDA1990.pdf> (last visited Feb. 5, 2013).

⁶ DEP, *Marjorie Harris Carr Cross Florida Greenway Management Plan*, (June 15, 2007), http://www.dep.state.fl.us/gwt/cfg/Plan_PDF/CFG_LMP_Final.pdf (last visited Feb. 4, 2013).

Right of Way Access in Marion County

The CFG extends through portions of Marion County. Section 253.7827, F.S., requires that the county receive right-of-way access across portions of the CFG at the land's fair market value, or that the value of the right-of-way be subtracted from the amount of reimbursement due to the county, pursuant to s. 253.783, F.S. The requirement that the market value be subtracted from the reimbursement due Marion County is obsolete; the county has already received the required reimbursement.⁷

Cross Florida Greenway Surplus Procedures

The CFG lands are subject to specific procedures for the sale of surplus land which were created to generate funds to reimburse counties for the ad valorem taxes that they paid to the Cross Florida Canal Navigation District.⁸ Section 253.783(2), F.S., provides the following CFG-specific procedures for the sale of surplus land:

- The county where the surplus land is located has the first right of refusal to acquire the land at current appraised value by buying it or subtracting the value from its reimbursement;
- The original owner of the land or the original owner's heirs have second right of refusal to acquire the land at current appraised value;
- Any person having a leasehold interest in the land has the third right of refusal to acquire the land at current appraised value;
- Surplus land that is not acquired as stated above is offered in a public sale to the highest bidder. The minimum acceptable bid is the current appraised value;
- Proceeds from the sale of CFG land are refunded to the counties for ad valorem taxes paid by the counties to the Cross Florida Canal Navigation District;
- Interest refunded to the counties is compounded annually at rates specified in s. 253.0783(2)(f), F.S.; and
- Any excess funds from the sale of surplus lands *may* be used for the maintenance of the greenway corridor. However, this requirement conflicts with the Act because the Act requires any excess funds be used to maintain the greenway.

All counties within the CFG corridor have been fully reimbursed; therefore, the reimbursement procedures contained in this section are obsolete.⁹

Conservation Land Surplus Procedures

Generally (and except for surplus CFG land), the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) has the authority to sell or exchange surplus conservation land if it is determined that the land is no longer needed for conservation purposes. Section 253.034(6), F.S., outlines the procedures for selling surplus conservation lands which include:

⁷ Email from Pierce Schuessler, Legislative Affairs Director, DEP, (Feb. 4, 2013)(on file with the Senate Committee on Environmental Preservation and Conservation).

⁸ *Id.*

⁹ *Id.*

- The Acquisition and Restoration Council must first confirm that the request to declare conservation land as surplus is consistent with the resource values and management objectives of the land;
- The Board of Trustees must approve declaring land to be surplus by a vote of at least three members;
- State agencies, colleges, and universities are given priority to lease the surplus land;
- State, county, or local governments are offered second right of refusal to purchase the surplus land;
- If governmental agencies, colleges, and universities elect not to lease or purchase the surplus land, then the land is available for sale on the private market;
- The sale price is negotiated or competitively bid (determined by market value) pursuant to s. 253.034(6)(g), F.S., and Rule 18-2.020, F.A.C.; and
- Proceeds from the sale of surplus land are deposited into the fund from which the lands were acquired. If the trust fund from which the lands were acquired no longer exists, the funds are deposited into an appropriate account to be used for land management.

III. **Effect of Proposed Changes:**

Section 1 amends s. 253.7827(3), F.S., to delete the option for Marion County to subtract the fair market value of lands or right-of-ways needed to expand 60th Avenue from the reimbursement funds due to the county. This provision is obsolete; all reimbursement funds due Marion County have been paid.

Section 2 repeals s. 253.783(2), F.S., to make the procedures used for disposing of surplus CFG lands consistent with current Board of Trustees procedures for disposing of other surplus conservation lands. This will provide for better management of CFG lands and will close ownership gaps within the CFG boundary.

Section 3 provides an effective date of July 1, 2013.

Other Potential Implications:

The current procedures for disposal of surplus CFG lands outlined in s. 253.783(2), F.S., may violate the Act. The Act specifies any funds remaining from the sale of surplus CFG lands, after acquisition of fee title or easements, must be used for maintenance of the greenway. Section 253.783(2)(e), F.S., is permissive as to the uses allowed for those funds. Repeal of s. 253.783(2), F.S., remedies that possible problem.

However, the bill does not require that the funds generated from the sale of surplus former federal CFG lands specifically be used to maintain the greenway, as required by the Act. Section 253.034(6), F.S., does not specify the use of funds generated from the sale of surplus conservation lands; instead that section specifies the fund into which those funds must be deposited. As indicated in the Act, the state may be subject to legal remedies if it fails to comply with the Act.

The repeal of s. 253.0783(2), F.S., implies that the sale and exchange of surplus CFG lands may continue under the existing process for conservation lands titled in the Board of Trustees as outlined in s. 253.034(6), F.S.; however, the bill does not explicitly state this.

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:

None.

C. Government Sector Impact:

By eliminating a separate procedure for the sale and exchange and surplus CFG lands, the DEP may realize cost savings in the future. The sale and exchange of surplus CFG lands could increase state revenues. The amounts of these savings and increased revenues are indeterminate.

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 Hays

11-00106A-13

2013326__

1 A bill to be entitled
 2 An act relating to the powers and duties of the
 3 Department of Environmental Protection; amending s.
 4 253.7827, F.S.; removing an obsolete reference for
 5 purposes of calculating the reimbursement for
 6 transportation and utility crossings of greenways
 7 lands in Marion County; repealing s. 253.783(2), F.S.,
 8 relating to additional powers and duties of the
 9 department to dispose of surplus lands that were for
 10 the construction, operation, or promotion of a canal
 11 across the peninsula of the state and refund payments
 12 to counties; providing an effective date.
 13
 14 Be It Enacted by the Legislature of the State of Florida:
 15
 16 Section 1. Subsection (3) of section 253.7827, Florida
 17 Statutes, is amended to read:
 18 253.7827 Transportation and utility crossings of greenways
 19 lands.-
 20 (3) Furthermore, the Legislature recognizes the needs
 21 expressed by Marion County to provide for the southerly
 22 extension of Sixtieth Avenue between State Road 200 and
 23 Interstate 75 and for the extension to cross the greenways lands
 24 to allow for the orderly growth and development of Marion
 25 County. Right-of-way for this extension across greenways lands
 26 shall be designed to mitigate the impacts to the extent
 27 practical, and the value of such lands shall be paid based on
 28 fair market value ~~or, at the option of Marion County, the value~~
 29 ~~can be subtracted from the amount of reimbursement due the~~

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

11-00106A-13

2013326__

30 ~~county pursuant to s. 253.783.~~
 31 Section 2. Subsection (2) of section 253.783, Florida
 32 Statutes, is repealed.
 33 Section 3. This act shall take effect July 1, 2013.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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 Appropriations Subcommittee on General Government

BILL: CS/SB 372

INTRODUCER: Regulated Industries Committee and Senator Latvala

SUBJECT: Beverage Law

DATE: March 8, 2013 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	Fav/CS
2.	<u>Everette</u>	<u>Eichin</u>	<u>TR</u>	Favorable
3.	<u>Davis</u>	<u>DeLoach</u>	<u>AGG</u>	Favorable
4.	_____	_____	<u>AP</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

CS/SB 372 expands the authority of licensed retail vendors to transport alcoholic beverages in vehicles which are owned or leased by the vendor to include vehicles owned or leased by a person identified on a license application (authorized person) filed by a vendor. The license application must be approved by the Division of Alcoholic Beverage and Tobacco (division) within the Department of Business and Professional Regulation (DBPR). In addition, the vehicle must have been issued a permit from the division for that purpose. Permitted vehicles must be operated by the vendor or by the authorized person when transporting alcoholic beverage from a distributor's place of business to the vendor's licensed premises or off-premises storage. A permit expires when the authorized person disposes of his or her vehicle, or the vendor's alcoholic beverage license is transferred, canceled, not renewed, or revoked by the division, whichever occurs first. In addition, a vehicle permit may be canceled at request of the vendor or the authorized person.

The bill will have a minimal, but indeterminate, positive impact on state revenue due to the anticipated increase in the number of \$5 vehicle permits issued.

An authorized person with a vehicle permit would be subject to the same conditions regarding inspection and search as is a licensee under current law. The bill requires the invoices or sales tickets for the purchased alcoholic beverages must be attached to, or carried in, a vehicle used by the vendor or the authorized person when the alcoholic beverages are being transported.

In addition, the bill deletes the requirement that the division must have decals ready for issuance. This would permit the division to issue only paper permits.

The effective date of the bill is July 1, 2013.

This bill substantially amends sections 561.57 and 562.07, Florida Statutes.

II. Present Situation:

In Florida, alcoholic beverages are regulated by the Beverage Law.¹ That law regulates the manufacture, distribution, and sale of wine, beer, and liquor via manufacturers, distributors, and vendors.² The division within the DBPR administers and enforces the Beverage Law.³

Three Tier System

In the United States, the regulation of alcohol has traditionally been through what is termed the “three-tier system.” The system requires that the manufacture, distribution, and sale of alcoholic beverages be separated. Retailers must buy their products from distributors who in turn buy their products from the manufacturers. Manufacturers cannot sell directly to retailers or directly to consumers. The system is deeply rooted in the perceived evils of the “tied house” in which a bar is owned or operated by a manufacturer or the manufacturer exercises undue influence over the retail vendor.⁴

There are some exceptions to this regulatory system. The exceptions include allowing beer brew pubs to manufacture malt beverages and to sell them to consumers,⁵ allowing individuals to bring small quantities of alcohol back from trips out-of-state,⁶ and allowing in-state wineries to manufacture and sell directly to consumers.⁷

In a three-tier system, each license classification has clearly delineated functions. For example, in Florida, only licensed vendors are permitted to sell alcoholic beverages directly to consumers

¹ The Beverage Law means chs. 561, 562, 563, 564, 565, 567, and 568, F.S. *See s. 561.01(6), F.S.*

² *See s. 561.14, F.S.*

³ Section 561.02, F.S.

⁴ Erik D. Price, *Time to Untie the House? Revisiting the Historical Justifications of Washington's Three-Tier System Challenged by Costco v. Washington State Liquor Control Board*, a copy can be found at: http://www.lanepowell.com/wp-content/uploads/2009/04/pricce_001.pdf (Last visited February 14, 2013).

⁵ *See s. 561.221(2), F.S.*, which permits the limited manufacture of beer by vendors (brew pubs).

⁶ *See s. 562.16, F.S.*, which permits the possession of less than one gallon of untaxed alcoholic beverages when purchased by the possessor out-of-state in accordance with the laws of the state where purchased and brought into the state by the possessor.

⁷ *See s. 561.221, F.S.*

at retail.⁸ Vendors are limited to purchasing their alcoholic beverage inventory from licensed distributors, manufacturer, or bottler.⁹

Deliveries by Licensees

Section 561.57(3), F.S., provides that deliveries of alcoholic beverages by manufacturers, distributors and vendors may only be made in vehicles that are owned or leased by the vendor. According to the division, most retail vendor licensees are a corporate entity. Therefore, retail vendors who own their vehicles as individuals are prohibited from making deliveries away from their places of business and from transporting alcoholic beverage purchases from a distributor's place of business in their personal vehicles, i.e., vehicles that are not registered in the name of the licensed vendor.

Section 561.57(4), F.S., requires the division to prepare permits or decals suitable to be attached to vendor's vehicles upon payment of a \$5 fee. According to the division, it prints vehicle permits on paper and does not issue decals for attachment to the vehicle. Vehicle permit holders keep the paper permits in their vehicles and produce them upon request. The permit expires when the vendor disposes of his or her vehicle, or the vendor's alcoholic beverage license is transferred, canceled, not renewed, or is revoked by the division, whichever occurs first.

Section 561.57(4), F.S., also provides that, by acceptance of a vehicle permit, the licensee agrees the vehicle may be inspected and searched without a search warrant, for the purpose of ascertaining compliance with provisions of the Beverage Law. Authorized employees of the division, sheriffs, deputy sheriffs, and police officers during business hours or other times the vehicle is being used to transport or deliver alcoholic beverages may conduct such inspections and searches.

Deliveries that are made at a manufacturer's or distributor's warehouse to a vendor or his authorized agent must be made to a vehicle with a vehicle permit which was issued to the purchasing licensee. The invoice or sales ticket covering all such purchases and deliveries must show, in addition to the information required by other rules, the permit number and the fact that the delivery was made at the manufacturer's or distributor's warehouse.¹⁰

Section 562.07, F.S., prohibits transporting more than 12 bottles of alcoholic beverages. However, alcoholic beverage may be transported in vehicles owned or leased by licensed vendors. The exception applies when alcoholic beverages are moved from the distributor's place of business to the vendor's licensed place of business or off-premises storage facility. The vehicles used must have a permit or decal issued pursuant to the Beverage Law.

⁸ Section 561.14(3), F.S. However, see discussion regarding the exception for certified Florida Farm Wineries in s. 561.221, F.S.

⁹ Section 561.14(3), F.S. Vendors may buy from vendors in a pool buying group if the initial purchase was by a single purchase by a pool buying agent.

¹⁰ Rule 61A-4.030, F.A.C.

III. Effect of Proposed Changes:

The bill amends s. 561.57, F.S., to allow licensed retail vendors to transport alcoholic beverages in vehicles which are owned or leased by the vendor, *as well as* in vehicles owned or leased by a person identified on a license application filed (authorized person) by a vendor and approved by the division. Each such vehicle must obtain a permit from the division for that purpose and be operated by the vendor or by the authorized person when transporting alcoholic beverages from a distributor's place of business to the vendor's licensed premises or off-premises storage. The bill requires the signature of the authorized person on the vehicle permit application.

As with a vendor's vehicle permit, an authorized person's permit would expire when the employee disposes of his or her vehicle, or the vendor's alcoholic beverage license is transferred, canceled, not renewed, or revoked. In addition, a vehicle permit may be canceled by the division at the vendor's or authorized person's request.

An authorized person who accepts a vehicle permit would be subject to the same conditions regarding inspection and search as is a licensee under current law.

The bill amends s. 562.57(4), F.S., to require that the invoices or sales tickets for the purchased alcoholic beverages must be attached to, or carried in, the vehicle used by the vendor or the authorized person when the alcoholic beverages are being transported.

The bill also amends s. 561.57(4), F.S., to delete the requirement that the division must have decals ready for issuance. This would permit the division to issue only paper permits.

The bill amends s. 562.07, F.S., which prohibits the transporting of more than 12 bottles of alcoholic beverages, to revise the exception in s. 562.07(2), F.S., to allow the transportation of alcoholic beverages in vehicles which are owned or leased by persons authorized under s. 561.57(3), F.S.

The effective date of the bill is July 1, 2013.

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:**

Alcoholic beverage vendors and other authorized persons would pay a \$5 fee for a vehicle permit to transport alcoholic beverages.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the DBPR, the bill may cause a minimal, but indeterminate, increase in state revenue due to the anticipated increase in the number of \$5 vehicle permits issued.

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.)**CS by Regulated Industries on February 21, 2013:**

The committee substitute:

- Deletes language that would have permitted licensed retail vendors to transport alcoholic beverages in vehicles owned or leased by authorized employees of the vendor.
- Permits licensed retail vendors to transport alcoholic beverages in vehicles which are owned or leased by any person disclosed on a license application filed by a vendor and approved by the division.
- Requires the authorized person sign the vehicle permit application.
- Requires a vehicle permit and the invoices or sales tickets for the purchased alcoholic beverages must be attached to, or carried in, the vehicle used by the vendor or an authorized person when the alcoholic beverages are transported or delivered.
- Deletes language requiring a vehicle permit remain on the vendor's licensed premises when the vehicle is not being used to transport or deliver alcoholic beverages.
- Expands the exception to the prohibition against the transporting of more than 12 bottles of alcoholic beverages to include the transportation of alcoholic beverages in vehicles owned or leased by a person disclosed on a license application filed by a vendor and approved by the division.

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 the Committee on Regulated Industries; and Senator Latvala

580-01745-13

2013372c1

A bill to be entitled

An act relating to vehicle permits; amending ss.

561.57 and 562.07, F.S.; authorizing a licensed vendor to transport alcoholic beverages from a distributor's place of business to the vendor's licensed premises in a vehicle owned or leased by a person identified on a license application filed by the vendor and approved by the division; requiring each operator to sign the application; revising permit requirements for such vehicles, including a specified fee per vehicle; providing for the cancellation of vehicle permits; authorizing the inspection and search of such vehicles without a search warrant; providing requirements for the use and storage of vehicle permits; providing an effective date.

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

Section 1. Subsections (3) and (4) of section 561.57, Florida Statutes, are amended to read:

561.57 Deliveries by licensees.—

(3) A licensed ~~Any~~ vendor may transport alcoholic beverage purchases from a distributor's place of business to the vendor's licensed premises or off-premises storage if the, provided that a vehicle used to transport the alcoholic beverages is owned or leased by the vendor or a person identified in a license application filed by the vendor and approved by the division and a valid vehicle permit has been issued for such or decal is attached to the vendor's owned or leased vehicle. Vehicles owned

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or leased by a person authorized under this subsection must be operated by such persons when transporting alcoholic beverage purchases from a distributor's place of business to the vendor's licensed premises or off-premises storage.

(4) A vehicle permit ~~The division shall have prepared for issuance vehicle permits or decals suitable to be attached to such vehicles, with the words, "Beverage Vehicle No.," which may be obtained by a licensed~~ ~~any~~ vendor or other person authorized under subsection (3) upon application and payment of a fee of \$5 per vehicle to the division. The signature of a person authorized under subsection (3) is required on the vehicle permit application. Such permit remains ~~permits shall be valid and does will~~ not expire unless the vendor or other person authorized under subsection (3) disposes of his or her vehicle, or the vendor's alcoholic beverage license is transferred, canceled, not renewed, or is revoked by the division, whichever occurs first. The division shall cancel a vehicle permit issued to a vendor upon request from the vendor. The division shall cancel a vehicle permit issued to other persons authorized under subsection (3) upon request from that person or the vendor. By acceptance of a vehicle permit, the vendor or other person authorized under subsection (3) licensee ~~agrees that such vehicle is shall~~ always be subject to inspection and search ~~be inspected and searched~~ without a search warrant, for the purpose of ascertaining that all provisions of the alcoholic beverage laws are complied with, by authorized employees of the division and also by sheriffs, deputy sheriffs, and police officers during business hours or other times that the vehicle is being used to transport or deliver alcoholic beverages. A vehicle

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59 permit issued under this subsection and invoices or sales
60 tickets for alcoholic beverages purchased and transported must
61 be attached to or carried in the vehicle used by the vendor or
62 other person authorized under subsection (3) when the vendor's
63 alcoholic beverages are being transported or delivered.

64 Section 2. Subsection (2) of section 562.07, Florida
65 Statutes, is amended to read:

66 562.07 Illegal transportation of beverages.—It is unlawful
67 for alcoholic beverages to be transported in quantities of more
68 than 12 bottles except as follows:

69 (2) In the owned or leased vehicles of licensed vendors or
70 other persons authorized under s. 561.57(3) transporting
71 alcoholic beverage purchases from the distributor's place of
72 business to the vendor's licensed place of business or off-
73 premises storage and to which said vehicles are attached a
74 permit or decal as provided for in the alcoholic beverage law;

75 Section 3. This act shall take effect July 1, 2013.



CHIEF FINANCIAL OFFICER
JEFF ATWATER
FLORIDA DEPARTMENT OF FINANCIAL SERVICES

Department of Financial Services

Fiscal Year 2013 - 2014 Schedule VIII B-2 Reductions

Senate Appropriations Subcommittee on General Government

March 6, 2013

- Historically, reductions were taken from “easy” areas – expenses, OCO, contracted services
- DFS no longer has any “easy” reductions
- No across the board reductions
- Won't hinder programs with partial reductions
- Total programs/functions reduced

Reduction Targets

- Exempt items:
 - Federal Funds
 - Pass Through budget
- General Revenue Target - \$1,071,161
 - Agency Reduction Amount - \$1,136,294
- Trust Funds Target - \$9,635,577
 - Agency Reduction Amount - \$9,651,250
- Total 81 reduction issues
 - 7 Minimal
 - 22 Moderate
 - 52 Significant

Schedule VIIB Reductions by Entity

Budget Entity Title	FTE	Filled FTE	General Revenue	Trust Funds
Executive Direction and Support Services	(6.00)	0.00		(210,964)
Information Technology	(13.00)	(11.00)		(766,968)
Legal				
Consumer Advocate	(1.00)	(1.00)		(64,034)
Information Technology - FLAIR	(10.00)	(9.00)	(486,626)	(71,599)
Treasury	(4.00)	(4.00)		(439,249)
Accounting and Auditing	(20.00)	(19.00)	(649,668)	(348,225)
Unclaimed Property				
State Fire Marshal - Compliance and Enforcement	(7.00)	(6.00)		(272,403)
State Fire Marshal - Fire and Arson	(14.00)	(8.00)		(648,025)
State Fire Marshal - Fire College	(3.00)	(1.00)		(117,635)
State Fire Marshal - Executive Direction	(2.00)	(2.00)		(110,255)
Risk Management				(1,460,000)
Rehabilitation and Liquidation	(7.00)	(7.00)		(964,309)
Agent and Agency Services	(21.00)	(1.00)		(839,165)
Insurance Fraud	(18.00)	(3.00)		(1,085,224)
Consumer Assistance	(9.50)	(5.50)		(464,385)
Funeral and Cemetery	(2.00)	(2.00)		(110,290)
Public Assistance Fraud	(8.00)	(8.00)		(330,621)
Workers' Compensation	(25.00)	(25.00)		(1,347,899)
Total:	(170.50)	(112.50)	(1,136,294)	(9,651,250)

Minimal & Moderate Impacts

- Of the 7 minimal reductions, the agency has taken 6 of the reductions in the LBR either in the specific issue or the positions and budget were used in a realignment issue - (12.0) FTE & (616,362) TF
- The Governor included the last minimal reduction in his recommended budget – (2.0) FTE & (132,472) TF
- The moderate impact issues include administrative positions and non-law enforcement positions – (57.5) FTE & (3,117,800) TF
- Eliminated the state funding for the Insurance Rehabilitation and Liquidation entity – (7.0) FTE & (964,309) TF (included in the previous line total)

Significant Impacts

- The significant impact issues include law enforcement positions and our general revenue funding.
- Other significant issues are trust fund issues in entities which have investigatory duties or citizen protection as their mission (public assistance fraud, workers' compensation, treasury, consumer advocate).
- Also included in the significant issues are critical positions which are filled.
- Total significant issues – (99.0) FTE, (1,136,294) GR & (5,784,616) TF
- General revenue reductions will have to be taken strategically – not across categories. The divisions will have to stop some programs to allow the divisions to do their remaining mission successfully.

Impact of Reducing General Revenue Issues

ACCOUNTING AND AUDITING

- The mission of the Division is to safeguard public assets, settle the state's financial obligations, and report financial information.
- The CFO is requesting additional funding to increase the audits of contracts
- Impacts of these reductions:
 - ✓ Lowers the accuracy, quality and timeliness of financial reports to the Legislature and external users
 - ✓ Reduces the number of disbursement audits performed
 - ✓ Reduces the level of financial training provided to state agencies
 - ✓ Reduces the ability to provide support to vendors for prompt payment, management of vendor records and providing 1099s
 - ✓ Increases risk of inaccurate payroll processing

Impact of Reducing General Revenue Issues

(cont'd)

INFORMATION TECHNOLOGY - FLAIR

- The FLAIR system was built in the 1970's.
- The primary functions of Florida Accounting Information Resource (FLAIR) system include: Accounting and reporting so as to provide timely data for producing financial statements for the state in accordance with Generally Accepted Accounting Principles (GAAP).
- Auditing and settling claims against the state.
- Need to replace FLAIR.
- In year 2 of a 5 year project to shadow existing FLAIR programmers.
- Fiscal Year 2011/2012 Statistics:
 - More than 10 million payments processed through Central Accounting
 - More than 50 million accounting transactions in Departmental Accounting
 - Total operating expenditures: \$57,142,411,477
 - Total expenditures: \$180,720,655,424



Budget

Teri.Madsen@myfloridacfo.com

413-2100

Legislative Affairs

Ashley.Mayer@myfloridacfo.com

Logan.McFaddin@myfloridacfo.com

Elizabeth.Boyd@myfloridacfo.com

413-2863



Farm Share

The Florida Senate
Subcommittee on General Government
March 13, 2013

About Farm Share

- Farm Share was founded 21 years ago in Homestead Florida by Patricia Robbins in response to the issues of wasted food and hunger in Florida.
- Since its inception in 1991, the focus has been to rescue fresh produce from farmers that would otherwise be dumped, and provide it to the hungry at no cost.
- Food recovered by Farm Share is high quality and only deemed unmarketable due to size, shape, color or market conditions.



What We Do

- Farm Share is “**FEEDING THE NEED, NOT THE LANDFILLS**”
- 40% of what is grown in Florida never reaches the market
 - 15% is discarded after it is harvested
 - 25% is left in the field and plowed under because of market conditions
- Florida Farmers receive federal tax deductions of up to 200% for donated food.



Waste Not, Want Not



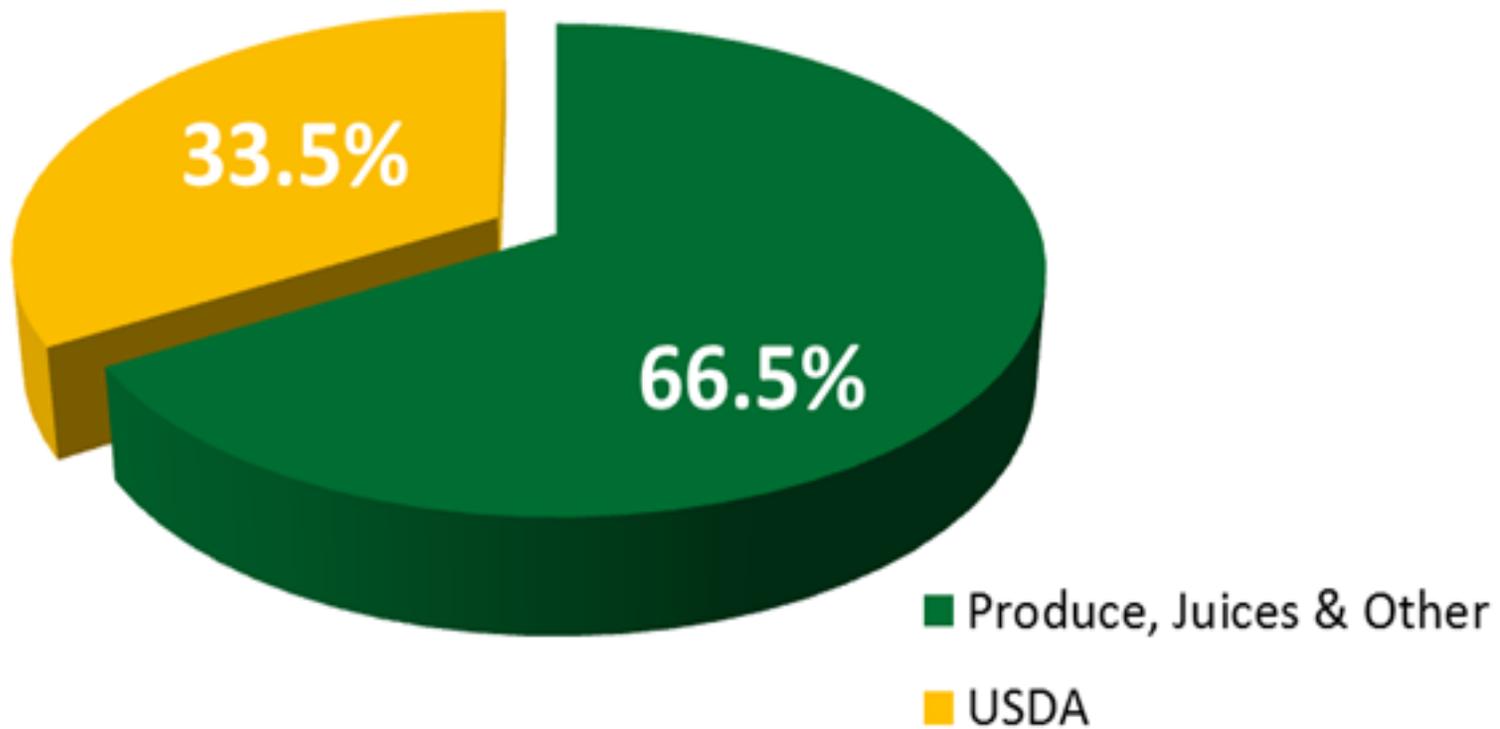
**Packinghouse
dump truck
disposing of
cull produce.**

During harvest,
a single
packinghouse
can dump
35,000 pounds
of produce
every 45
minutes.

Fresh Produce is the Key

- Farm Share's focus has always been on "**FRESH FROM THE FARM**" produce.
- Over 50% of all food distributed by Farm Share is fresh produce straight from the farm.
- Farm Share produce is not reclaimed from supermarkets at the end of its life cycle.
- Farm Share administers USDA food for Miami-Dade & Broward counties.

Food Distributed by Farm Share 2011-2012



What Makes Us Different

- Farm Share **SERVES “THE POOREST OF THE POOR”** - groups and areas that cannot afford to pay shared maintenance fees for food
- Churches, soup kitchens, children, senior and veterans programs do not pay any fees to receive Farm Share food.
- Farm Share requires proof of need to ensure that the food goes to those who are truly in need.

What Makes Us Different

- Farm Share is **STRATEGICALLY LOCATED**.
- With locations in Quincy, Pompano and Homestead, we are able to access crops in season throughout Florida.
- This allows us to maximize the food transported to underserved areas in the “off season” with our own refrigerated tractor trailers and other trucks.
- Farm Share has refrigeration and storage at all locations throughout Florida.



Farm Share Facts

- In 21 years Farm Share has:
 - Recovered and distributed over 300 million pounds of food.
 - Provided \$726 million dollars of fresh produce and other food to organizations serving the hungry.
- Last year alone:
 - Farm Share provided over 11 million pounds of food to Florida's needy families, children, seniors and veterans, free of charge.
 - Served 774,000 families across Florida with fresh produce.
 - The combined ROI in terms of food value and federal tax deduction available to farmers would equal \$96.88 for every \$1 invested by the State of Florida.



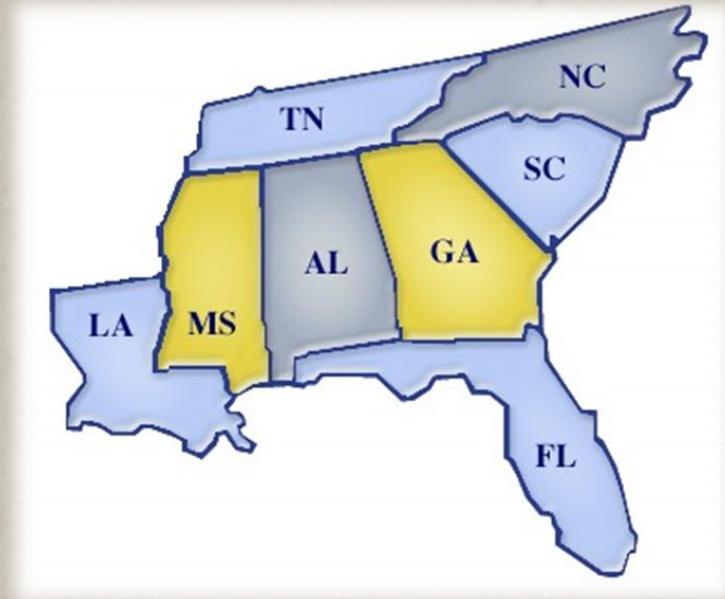
Farm Share food distribution with Department of Children and Families, diabetes screening and other groups assisting the poor.
Nov 7, 2012

Fresh from the farmer,
sweet corn and green beans.



Expansion of Outreach

- With the \$750,000 appropriated this current year, Farm Share was able to expand its outreach for donated food to 8 southern states.
- This allows us to take advantage of fresh produce and other food available outside of Florida to benefit the needy in our State.



Funding Request

- Farm Share would like to thank the Legislature, Agriculture Commissioner Adam Putnam and the Governor of the State of Florida for 20 years of continued support.
- This year our funding request is \$1.5 million dollars.
- All Farm Share's operations are scalable, so these increased funds will enable us to substantially increase the volume of produce recovered and the number of families served.



Florida

Association of Food Banks

Partner State
Association of
**FEEDING[®]
AMERICA**

Who We Are...



Florida
Association of
Food Banks

Partner State
Association of
**FEEDING
AMERICA**

Who We Are...



Florida
Association of
Food Banks

Partner State
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**FEEDING
AMERICA**

The Need

1 in 5



3.6 Million Floridians



1 in 4



1.1 Million Children



Florida
Association of
Food Banks

Partner State
Association of
**FEEDING
AMERICA**

What We Do



Food Bank Services

- TEFAP Distribution in 65 Counties
- Fresh Produce Distribution Statewide
- Retail Recovery, Sorting & Redistribution
- Backpack Programs
- Summer Feeding
- Kids Café
- School Pantries
- Nutrition Education
- Benefits Connection
- Job Training
- Power Purchase Program
- State Coordinated Disaster Response
- Mobile Pantries
- Community Gardens



Surplus Food...

Retail Grocery



Manufacturers



Surplus Food...

Growers & Packers



Statewide Impact

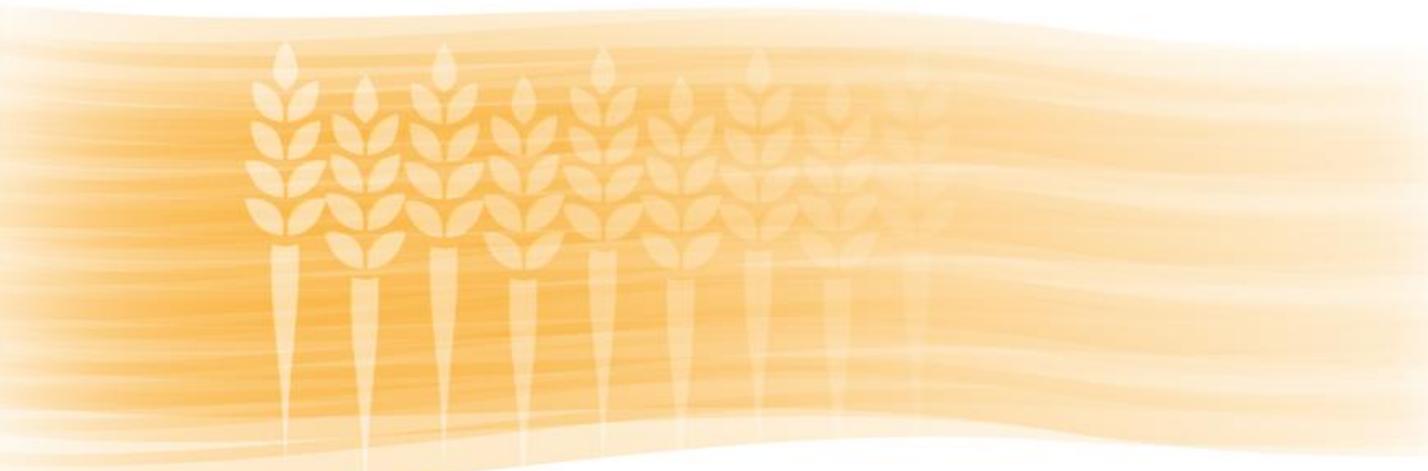
3.6 million people
every year

Food Distribution up
105% over past four
years

Wholesale Value \$237
Million



Pounds in Million



Florida
Association of
Food Banks

Partner State
Association of
**FEEDING
AMERICA**

FARMERS FEEDING FLORIDA

Fresh Solutions for Fighting Hunger



A program of:

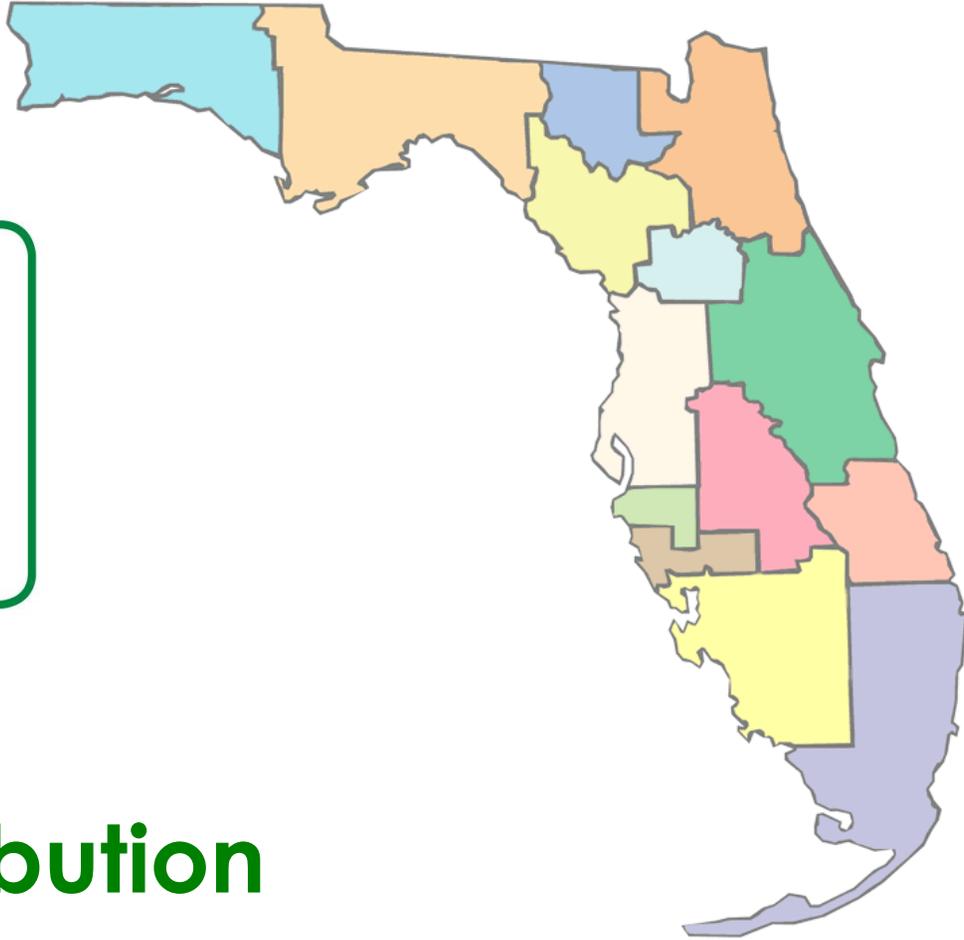


Florida
Association of
Food Banks

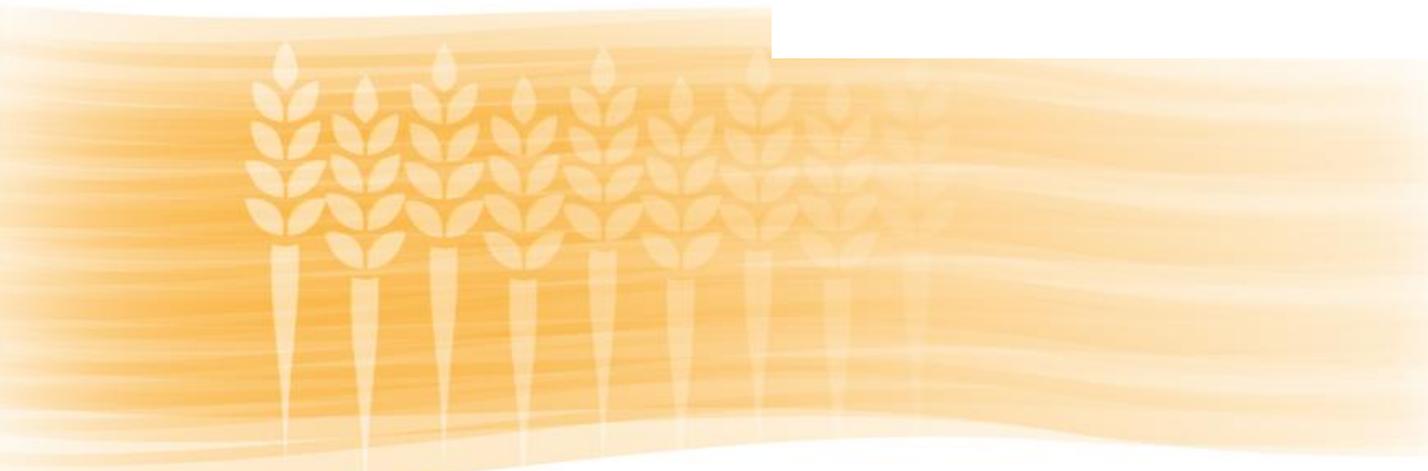
Partner State
Association of
**FEEDING
AMERICA**

*Rescuing & Redistributing unmarketable
produce to hungry Floridians in all 67 Counties*
HungerFreeFlorida.org¹⁰

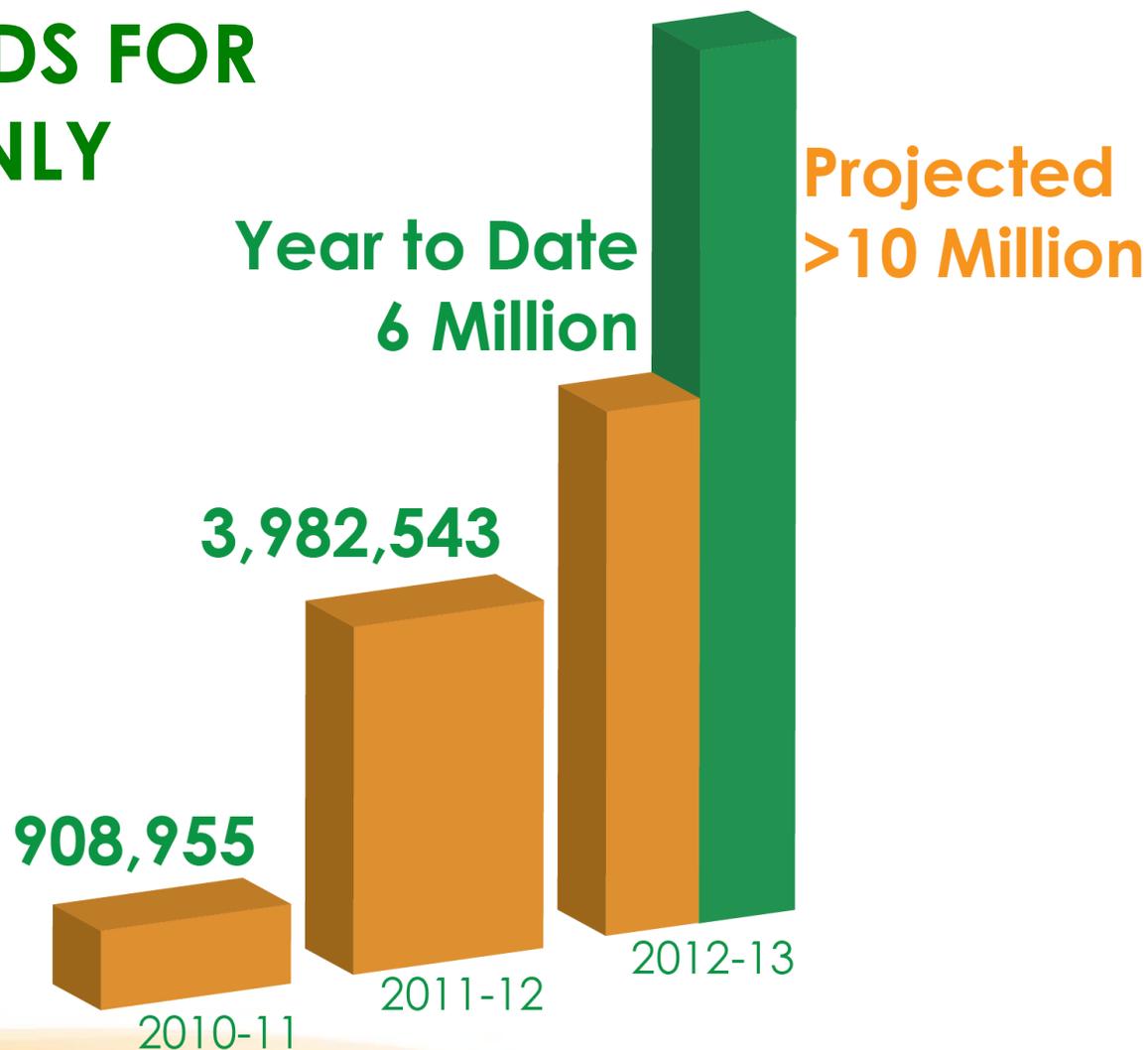
Endorsed By:



Local Sources, Statewide Distribution



TOTAL POUNDS FOR PRODUCE ONLY



Funding Request

- \$2 Million to support the Florida Association of Food Banks Farmers Feeding Florida program
- Acquisition and Distribution of an additional 7 Million Pounds of fresh fruits and vegetables from Florida Growers & Packers
- Offset Pick & Pack Out costs (out-of-pocket expenses) to growers and packers to facilitate large donations



Water Project Criteria

The following general criteria are to guide the Governor in his decision making process for the funding of water projects should they receive funding in the General Appropriations Act.

Eligibility:

- Eligible recipients – counties; municipalities; water management districts; and special districts that are statutorily responsible for water quality improvement, stormwater management, wastewater management, water restoration, and other water projects specifically appropriated by the Legislature.

Review Criteria:

- Project protects public health or the environment.
- Project implements a plan developed pursuant to the Surface Water Improvement and Management Act created in Part IV of Ch. 373, F.S., other water restoration plans required by law, management plans prepared pursuant to s. 403.067, F.S., or other plans adopted by local government for water quality improvement and water restoration.
- Project has completed all planning, design, permitting and local zoning and land use requirements.
- Applicant demonstrates that they are pursuing funding from other sources, specifically including any funding pursued under the Drinking Water/Wastewater Treatment Facility Construction State Revolving Loan Programs or Small Community Wastewater Treatment Grants, and provide the status of that pursuit.
- Applicant provides an equal match to the request for state appropriations. Local matching funds may come from any source, with the exception of a direct state legislative appropriation, regardless of pass through entity.
 - The matching requirement may be waived for counties with a population of 75,000 or less and municipalities with a population of 25,000 or less, or any county or municipality not included within a metropolitan statistical area. The match requirement waiver shall be approved on the basis of fiscal hardship or environmental need for a particular project or activity. The applicant must certify that the cost of the match is a fiscal hardship due to one of the following factors, pursuant to s. 218.075, F.S., (Reduction or Waiver of Permit Processing Fees):
 - Per capita taxable value is less than the statewide average for the current fiscal year;

- Percentage of assessed property value that is exempt from ad valorem taxation is higher than the statewide average for the current fiscal year;
 - Any condition specified in s. 218.503(1), F.S., which results in the county or municipality being in a state of financial emergency; or
 - Ad valorem operating millage rate for the current fiscal year is greater than 8 mills.
- Applicant provides a description of the project and includes metrics that will demonstrate the beneficial return on investment to Florida taxpayers. Metrics identify “before and after scenarios” with supporting documentation to quantify the anticipated return on investment.
 - Applicant demonstrates that there is a sustainable revenue source for operating expenses of a facility that was constructed through a state appropriation for water projects. This revenue source should not be attained through an increase in fees or taxes without an approved referendum of the increase by the affected taxpayers.
 - Applicant identifies the sponsor and a majority of the local delegation members approve of the project in writing.
 - Priority will be given in the review process to projects that have received state appropriations in previous years and are in the construction phase.

Process Criteria:

- Water projects considered for funding in the General Appropriations Act have been heard in a committee meeting prior to budget conference with backup information included in the committee meeting packet adhering to the criteria.
- Projects adhering to the process will be given priority during the review process by staff.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-14-13
Meeting Date

Topic Vehicle Permits

Bill Number 372
(if applicable)

Name Jason Unger

Amendment Barcode _____
(if applicable)

Job Title Attorney

Address 301 S. Branough St.

Phone 577 9090

TLH FL
City State Zip

E-mail junger@gray-robinson.com

Speaking: For Against Information

Representing Restaurant Depot

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
APPEARANCE RECORD

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

3/13/13

Meeting Date

Topic DFS Sch 8B

Bill Number _____
(if applicable)

Name Teri Madsen

Amendment Barcode _____
(if applicable)

Job Title Budget Director

Address _____
Street

Phone 413-2100

City

State

Zip

E-mail ~~Teri.Madsen@~~ teri.madsen@myfloridacfo.com

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.

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)

March 13, 2013
Meeting Date

Topic FARM SHARE, INC.

Bill Number _____
(if applicable)

Name PATRICIA ROBBINS

Amendment Barcode _____
(if applicable)

Job Title FOUNDER & CEO

Address 14125 S.W. 320th ST

Phone 305-458-7316

Street

HOMESTEAD, FL 33133

City

State

Zip

E-mail PATRICIA.R@FARMSHARE.ORG

Speaking: For Against Information

Representing FARM SHARE

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

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

3/13/13

Meeting Date

Topic FARM SHARE

Bill Number _____
(if applicable)

Name TONI - ANN MARIL

Amendment Barcode _____
(if applicable)

Job Title DONOR RELATIONS SPECIALIST

Address 14125 SW 320TH ST

Phone 786 383 5185

Street

HOMESTEAD

FL

33033

City

State

Zip

E-mail TONI@FARMSHARE.ORG

Speaking: For Against Information

Representing FARM SHARE

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

(slides)

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)

3/13/2013
Meeting Date

Topic _____

Bill Number _____
(if applicable)

Name Rebecca Brislain

Amendment Barcode _____
(if applicable)

Job Title Executive Director

Address 1365 Alcazar Ave
Street
FORT MYERS FL 33901
City State Zip

Phone 239 281 7758

E-mail rebecca@pafb.org

Speaking: For Against Information

Representing Florida Association of Food Banks

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.

Jamie



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Subcommittee on General Government, Vice Chair
Community Affairs, Vice Chair
Appropriations Subcommittee on Transportation, Tourism, and Economic Development
Children, Families, and Elder Affairs
Commerce and Tourism
Transportation

JOINT COMMITTEE:

Joint Administrative Procedures Committee

SENATOR GERALDINE F. THOMPSON
12th District

March 13, 2013

The Honorable Alan Hayes
320 Senate Office Building
404 S. Monroe Street
Tallahassee, FL. 32399-1100

Dear Chairman Hayes,

Please allow this letter to serve as my formal request to be excused from today's Appropriations Subcommittee on General Government meeting. I have fallen ill but hope to return to my legislative duties as soon as possible.

I look forward to serving my constituents and the great people of Florida. Thank you for your consideration.

Respectfully,

Geraldine F. Thompson

OK
Alan Hayes

Senator Geraldine Thompson
District 12-Orlando

cc: Chris Smith, Senate Minority Leader
Jaime DeLoach, Staff Director
Lisa Waddell, Administrative Assistant

SENATE APPROPRIATIONS RECEIVED
13 MAR 13 AM 8:44
JOINT TO CHAIRMAN
STAFF DIR. STAFF

REPLY TO:

- 511 W. South Street, Suite 204, Orlando, Florida 32805 (407) 245-1511 FAX: (407) 245-1513
224 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5012

Senate's Website: www.flsenate.gov

President of the Senate

DON GAETZ
President Pro Tempore

GARRETT RICHTER

2:49:04 PM Senator Bullard
2:49:42 PM Ms. Brislain, FAFB
2:51:13 PM Chmn. Hays
2:51:19 PM Ms. Brislain, FAFB
2:55:52 PM Chmn. Hays
2:55:55 PM Ms. Brislain, FAFB
2:59:12 PM Chmn. Hays
2:59:15 PM Ms. Brislain, FAFB
3:04:17 PM Chmn. Hays
3:04:54 PM TAB 6- Budget Work Session
3:05:57 PM Mtg. adjourned