

SB 558 by **Stargel**; (Identical to CS/H 0401) Public Lodging and Public Food Service Establishments

CS/SB 608 by **RI, Stargel**; (Similar to CS/CS/H 0707) Real Estate Brokers and Appraisers

632958	A	S	RCS	AGG, Simpson	Delete L.65:	03/17 04:10 PM
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SB 694 by **Ring**; (Identical to H 0719) Florida State Employees' Charitable Campaign

SB 1050 by **Montford**; (Similar to CS/CS/H 7015) Department of Agriculture and Consumer Services

606928	A	S	RCS	AGG, Hays	Delete L.107 - 144.	03/17 04:20 PM
557136	A	S	WD	AGG, Simpson	btw L.218 - 219:	03/17 04:20 PM
104186	A	S	RCS	AGG, Simpson	btw L.682 - 683:	03/17 04:20 PM

SB 1220 by **Grimsley (CO-INTRODUCERS) Evers, Soto**; (Similar to CS/H 0917) Cattle Market Development Act

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

MEETING DATE: Tuesday, March 17, 2015
TIME: 2:00 —5:00 p.m.
PLACE: *Toni Jennings Committee Room, 110 Senate Office Building*

MEMBERS: Senator Hays, Chair; Senator Braynon, Vice Chair; Senators Altman, Dean, Lee, Margolis, and Simpson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Review and Discussion of Fiscal Year 2015-2016 Budget Issues Relating to:		Discussed
	Department of Agriculture and Consumer Services		
	Department of Business and Professional Regulation		
	Department of Citrus		
	Department of Environmental Protection		
	Department of Financial Services		
	Office of Financial Regulation		
	Office of Insurance Regulation		
	Department of Lottery		
	Department of Management Services		
	Agency for State Technology		
	Division of Administrative Hearings		
	Florida Commission on Human Relations		
	Public Employees Relations Commission		
	Public Service Commission		
	Fish and Wildlife Conservation Commission		

COMMITTEE MEETING EXPANDED AGENDAAppropriations Subcommittee on General Government
Tuesday, March 17, 2015, 2:00 —5:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
Department of Revenue			
2	SB 558 Stargel (Identical CS/H 401)	Public Lodging and Public Food Service Establishments; Revising the frequency at which the Division of Hotels and Restaurants of the Department of Business and Professional Regulation must reassess the inspection frequency of public food service establishments; authorizing the division to deliver lodging inspection reports and food service inspection reports by electronic means; requiring an operator of a public food service establishment to make available a copy of the latest food service inspection report at the time of a division inspection, etc. RI 03/04/2015 Favorable AGG 03/17/2015 Favorable FP	Favorable Yeas 7 Nays 0
3	CS/SB 608 Regulated Industries / Stargel (Similar CS/H 707)	Real Estate Brokers and Appraisers; Requiring the Florida Real Estate Commission to adopt certain rules pertaining to broker registration on a temporary, emergency basis; revising the supervision requirements for registered trainee appraisers; requiring an appraiser to prepare and retain a work file in certain circumstances; providing that duly authorized agents and employees of the department may inspect an appraisal management company at all reasonable hours, etc. RI 03/04/2015 Fav/CS AGG 03/17/2015 Fav/CS FP	Fav/CS Yeas 7 Nays 0
4	SB 694 Ring (Identical H 719)	Florida State Employees' Charitable Campaign; Providing an exception to the requirement that state officers and employees designate a charitable organization to receive their contributions from the Florida State Employees' Charitable Campaign; requiring the fiscal agent selected by the Department of Management Services to distribute undesignated funds in a specified manner, etc. GO 03/04/2015 Favorable AGG 03/17/2015 Favorable FP	Favorable Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDAAppropriations Subcommittee on General Government
Tuesday, March 17, 2015, 2:00 —5:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	SB 1050 Montford (Similar H 7015)	Department of Agriculture and Consumer Services; Removing provisions requiring the department to give certain priority consideration when evaluating applications for funding of agriculture education and promotion facilities; authorizing the department to secure letters of patent, copyrights, and trademarks on work products and to engage in acts accordingly; authorizing the Commissioner of Agriculture to create an Office of Agriculture Technology Services; repealing provisions relating to the authority of the Florida Forest Service to dedicate and reserve state park lands for public use, etc. AG 03/10/2015 Favorable AGG 03/17/2015 Fav/CS AP	Fav/CS Yeas 6 Nays 0
6	SB 1220 Grimsley (Similar CS/H 917)	Cattle Market Development Act; Renaming the Beef Market Development Act as the Cattle Market Development Act; renaming the Florida Beef Council, Inc., as the Florida Cattle Enhancement Board, Inc.; authorizing the Cattle Enhancement Board to impose additional assessments; removing provisions authorizing the board to sue and be sued without individual liability of the members, to maintain a financial reserve for emergency use, to appoint advisory groups, to accept grants, donations, contributions, or gifts from any source, and to pay other organizations for work or services, etc. AG 03/10/2015 Favorable AGG 03/17/2015 Favorable FP	Favorable Yeas 7 Nays 0
7	Discussion of Land Management Funding Needs from the Following Agencies: Department of Environmental Protection Department of Agriculture and Consumer Services Fish and Wildlife Conservation Commission		Discussed

Other Related Meeting Documents



APPROPRIATIONS SUBCOMMITTEE ON GENERAL GOVERNMENT

Senator Hays, Chair

Senator Braynon, Vice Chair

Meeting Packet

Tuesday, March 17, 2015

2:00—5:00 p.m.

Toni Jennings Committee Room, 110 Senate Office Building

Color Key for Budget Spreadsheet FY 2015-2016

Yellow = Base/Continuation Budget

Pink = Budget Amendments and/or Non-Policy Technical Adjustments

Light Green = CA1 Budget Restructure/Fund Shifts into LATF

Lavendar = Base Budget Reductions Issues & Other Fund Shifts

Light Blue = Federal Grants/Donations/Other Entity Contracts (state match in-kind, if applicable)

Light Yellow = Full Appropriations Committee Decisions - Statewide Issues

Blue = Total By Agency

Orange = Total for General Government Appropriations Committee

APPROPRIATIONS SUBCOMMITTEE ON GENERAL GOVERNMENT

Issue Code	Issue Title	AGENCY REQUEST FY 2015-16					GOVERNOR'S RECOMMENDATIONS FY 2015-16					
		FTE	TOTAL GENERAL REVENUE	NR GENERAL REVENUE	LAND ACQUISITION TRUST FUND	OTHER TRUST FUNDS	FTE	TOTAL GENERAL REVENUE	NR GENERAL REVENUE	LAND ACQUISITION TRUST FUND	OTHER TRUST FUNDS	
1	AGRICULTURE & CONSUMER SERVICES	3,597.25	132,157,933			1,295,669,763	3,597.25	132,157,933			1,295,669,763	1
2	160F280 CONTINUATION OF 5% TRANSFER 15-12 / EOG B7146 FROM EXPENSE TO CONTRACTED SERVICES					(75,000)						2
3	160F290 CONTINUATION OF 5% TRANSFER 15-12 / EOG B7146 TO CONTRACTED SERVICES FROM EXPENSE					75,000						3
4	160F300 CONTINUE 5% TRANSFER 15-10 EOG 7136 TRANSFER TO OTHER PERSONAL SERVICES (OPS) FROM SPECIAL CATEGORY FOR FOOD NUTRITION AND WELLNESS - ADD					155,000						4
5	160F310 CONTINUE 5% TRANSFER 15-10 EOG 7136 TRANSFER TO OTHER PERSONAL SERVICES (OPS) FROM SPECIAL CATEGORY FOR FOOD NUTRITION AND WELLNESS- DEDUCT					(155,000)						5
6	1800190 TRANSFER POSITION(S) FROM MARKETING TO ADMINISTRATION - DEDUCT	(1.00)				(74,204)						6
7	1800200 TRANSFER POSITION(S) FROM MARKETING TO ADMINISTRATION - ADD	1.00				74,204						7
8	1800260 TRANSFER POSITIONS FROM MARKETING TO AG LAW AND CONSUMER SERVICES - DEDUCT	(18.00)				(1,093,257)						8
9	1800270 TRANSFER POSITIONS FROM MARKETING TO AG LAW AND CONSUMER SERVICES - ADD	18.00				1,093,257						9
10	2000700 REALIGNMENT OF SPECIAL CATEGORY EXPENDITURES - DEDUCT					(4,050,000)						10
11	2000800 REALIGNMENT OF SPECIAL CATEGORY EXPENDITURES - ADD					4,050,000						11
12	2001900 REALIGN EXPENSES TO OPERATING CAPITAL OUTLAY AND CONTRACTED SERVICES - DEDUCT		(100,000)					(100,000)				12
13	2002000 REALIGN EXPENSES TO OPERATING CAPITAL OUTLAY AND CONTRACTED SERVICES - ADD		100,000					100,000				13
14	2400100 HELICOPTER REPAIR, MODIFICATION, INSPECTIONS AND REPLACEMENT PARTS		970,000	970,000								14
15	2401000 REPLACEMENT EQUIPMENT/WILDFIRE		6,394,430	6,394,430				2,550,000	2,550,000			15
16	2401000 REPLACEMENT EQUIPMENT/PLANT INDUSTRY		150,000	150,000								16
17	2401100 REPLACE LABORATORY EQUIPMENT - ANIMAL INDUSTRY		417,871	379,971								17
18	2401500 REPLACEMENT OF MOTOR VEHICLES		3,421,691	3,421,691		4,073,271						18
19	24040C0 REPLACE FIRE RADIO CONSOLES AND MOBILE RADIOS		601,920	601,920								19
20	2503080 DIRECT BILLING FOR ADMINISTRATIVE HEARINGS										(41,985)	20
21	3D00070 REPRIORITIZATION OF DIVISION INFORMATION TECHNOLOGY STAFF TO THE OFFICE OF AGRICULTURE TECHNOLOGY SERVICES - ADD	5.00	102,583			277,653	5.00	102,583			277,653	21
22	3D00080 REPRIORITIZATION OF DIVISION INFORMATION TECHNOLOGY STAFF TO THE OFFICE OF AGRICULTURE TECHNOLOGY SERVICES - DEDUCT	(5.00)	(102,583)			(277,653)	(5.00)	(102,583)			(277,653)	22
23	3000170 CONCEALED WEAPON LICENSE RENEWALS SURGE					461,602					328,000	23
24	3000220 DIVISION OF FOOD, NUTRITION, AND WELLNESS USDA CHILD NUTRITION PROGRAM SPONSORS GROWTH AND EXPANSION SUPPORT	12.00				889,996						24
25	30011C0 DECREASED WORKLOAD FOR DATA CENTER TO SUPPORT AN AGENCY											25
26	3004130 CONVERT OTHER PERSONAL SERVICES (OPS) TO FULL-TIME EQUIVALENT (FTE) POSITIONS	12.00				25,472						26
27	3004500 ADDITIONAL STAFF - FLORIDA FOREST SERVICE	2.00				163,649						27
28	3005050 ADDITIONAL STAFF-APIARY INSPECTIONS PROGRAM	6.00	432,773	147,450								28
29	3005080 ADDITIONAL STAFF - MEDFLY SURVEY AND DETECTION PROGRAM	6.00				398,903						29
30	33V0440 REDUCTION IN SOIL BASED SENSORS PROJECT WITHIN THE DIVISION OF WATER POLICY							(2,000,000)				30

Issue Code	Issue Title	AGENCY REQUEST FY 2015-16					GOVERNOR'S RECOMMENDATIONS FY 2015-16					
		FTE	TOTAL GENERAL REVENUE	NR GENERAL REVENUE	LAND ACQUISITION TRUST FUND	OTHER TRUST FUNDS	FTE	TOTAL GENERAL REVENUE	NR GENERAL REVENUE	LAND ACQUISITION TRUST FUND	OTHER TRUST FUNDS	
31	33V0700	REDUCE EXPENSES - CONSUMER SERVICES						(2,770)				31
32	33V1620	VACANT POSITION REDUCTIONS					(33,000)				(1,197,034)	32
33	33V5170	REDUCTION OF EXCESS BUDGET AUTHORITY									(400,700)	33
34	3400420	DIVISION OF FOOD SAFETY - FUND SHIFT CHEMICAL RESIDUE LABORATORY FROM GENERAL INSPECTION TRUST FUND TO GENERAL REVENUE - ADD	20.00	1,721,953								34
35	3400430	DIVISION OF FOOD SAFETY - FUND SHIFT CHEMICAL RESIDUE LABORATORY FROM GENERAL INSPECTION TRUST FUND TO GENERAL REVENUE - DEDUCT	(20.00)				(1,721,953)					35
36	3400930	FUND SHIFT - EXPENSES AND CONTRACTED SERVICES FROM FEDERAL GRANTS TRUST FUND TO GENERAL INSPECTION TRUST FUND - ADD					118,500					36
37	3400940	FUND SHIFT - EXPENSES AND CONTRACTED SERVICES FROM FEDERAL GRANTS TRUST FUND TO GENERAL INSPECTION TRUST FUND - DEDUCT					(118,500)					37
38	3408300	TRANSFER TO LAND ACQUISITION TRUST FUND FOR WATER AND LAND CONSERVATION CONSTITUTIONAL AMENDMENT									(5,068,417)	38
39	3408320	TRANSFER FROM GENERAL REVENUE FOR WATER AND LAND CONSTITUTIONAL AMENDMENT										39
40	3408340	TRANSFER FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND FOR WATER AND LAND CONSERVATION CONSTITUTIONAL AMENDMENT										40
41	3408400	TRANSFER FROM GENERAL INSPECTION TRUST FUND FOR WATER AND LAND CONSERVATION CONSTITUTIONAL AMENDMENT								5,068,417		41
42	3408430	TRANSFER FROM ADMINISTRATIVE TRUST FUND FOR WATER AND LAND CONSERVATION CONSTITUTIONAL AMENDMENT										42
43	3408480	TRANSFER FROM PLANT INDUSTRY TRUST FUND FOR WATER AND LAND CONSERVATION CONSTITUTIONAL AMENDMENT										43
44	36260C0	REGULATORY LIFECYCLE MANAGEMENT SYSTEM PROJECT					4,121,848					44
45	36324C0	REPLACE AND UPGRADE PHONE SYSTEM-FLORIDA FOREST SERVICE		527,908	401,712							45
46	36330C0	TAX COLLECTOR - CONCEALED WEAPON INTAKE SYSTEM-IT NETWORK	1.00				78,651				144,624	46
47	4100120	ENVIRONMENTAL RESOURCES/WATER AND LAND CONSERVATION										47
48	4509A00	FIREFIGHTER PAY INCREASE		1,774,127								48
49	4600A10	FLORIDA FOREST SERVICE OVERTIME		1,000,000								49
50	4900A10	EXECUTIVE DIRECTION AND SUPPORT SERVICES SUCCESSION PLANNING		99,001	99,001							50
51	4900A20	FLORIDA FOREST SERVICE COMPETITIVE AREA DIFFERENTIAL		255,776								51
52	4900A40	RECLASSIFICATION OF ENVIRONMENTAL SPECIALIST I'S TO ENVIRONMENTAL SPECIALIST II'S - DIVISION OF PLANT INDUSTRY		752,806								52
53	4900010	NON NATIVE INVASIVE PLANT SPECIES					2,000,000					53
54	4900040	UNDERGROUND STORAGE TANK REMEDIATION					300,000					54
55	4900050	ADDITIONAL OTHER PERSONAL SERVICES (OPS) FUNDING FOR HEALTH INSURANCE					156,153					55
56	4900145	OPERATION CLEAN SWEEP					100,000					56
57	4900150	LAUREL WILT SURVEY AND MITIGATION PROGRAM		500,000	500,000							57
58	4900210	GIANT AFRICAN LAND SNAIL ERADICATION PROGRAM					2,275,204				2,275,204	58
59	4900440	COMMUNITY WILDFIRE MITIGATION PROGRAM	1.00	92,218	29,882							59
60	4900470	ADDITIONAL AUTHORITY FOR BACKGROUND CHECKS/LICENSING					127,376					60

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61	4900490	AGRICULTURAL MARKETING ORDERS - PEANUTS										61
62	4900700	FLORIDA AGRICULTURE PROMOTION CAMPAIGN		4,000,000	4,000,000							62
63	4900730	FARM SHARE PROGRAM		1,000,000	1,000,000							63
64	4900750	AQUACULTURE PROGRAM		796,639	796,639							64
65	4900790	OYSTER RESOURCE BMP STUDY							200,000			65
66	4900930	APIARY PEST CONTROL DEVELOPMENT							105,000			66
67	4901020	EMERGENCY GENERATOR AND WIRING AT STATE FARMERS MARKETS TO SUPPORT DEPARTMENT OF EMERGENCY MANAGEMENT EMERGENCY SUPPORT FUNCTIONS							85,000			67
68	4901502	AGRICULTURAL PROMOTIONAL AWARDS										68
69	4901040	INCREASE CONTRACTED SERVICES - DIVISION OF CONSUMER SERVICES							263,000			69
70	4901065	TRANSFER GENERAL REVENUE TO AG EMERGENCY ERADICATION TRUST FUND										70
71	4901110	DIVISION OF FOOD, NUTRITION AND WELLNESS FARM TO SCHOOL GROWTH AND EXPANSION SUPPORT	2.00						143,630			71
72	4901120	EXECUTIVE DIRECTION - BUSINESS PROCESS EXCELLENCE INITIATIVE	4.00						324,284			72
73	4901130	CITRUS CROP DECLINE SUPPLEMENTAL FUNDING		2,500,000	2,500,000							73
74	4901210	REFOREST FLORIDA COST SHARE INCENTIVE PROGRAM		3,000,000	3,000,000							74
75	4901220	STATE FOREST BOUNDARY SURVEY							250,000			75
76	4901820	VITICULTURE PROGRAM							150,000			76
77	4901900	OFFICE OF AGRICULTURAL WATER POLICY AGRICULTURAL WATER SUPPLY PLANNING AND CONSERVATION PROGRAM		1,500,000								77
78	4902000	OFFICE OF AGRICULTURAL WATER POLICY SPRINGS PROTECTION AND WATER CONSERVATION INITIATIVE	2.00	5,215,853	63,424							78
79	4902640	OFF-HIGHWAY VEHICLE SAFETY & RECREATION PROGRAM		484,148					(86,390)			79
80	4902850	NORTHERN EVERGLADES AND ESTUARIES PROTECTION AREAS	1.00	83,776	3,882				5,000,000			80
81	4904007	SUPPORT FOR FOOD BANK		1,450,000	1,450,000							81
82	4906600	CITRUS HEALTH RESPONSE PROGRAM							7,355,567			82
83	4907410	AGRICULTURE BEST MANAGEMENT PRACTICES DEVELOPMENT AND IMPLEMENTATION PARTNERSHIP AGREEMENTS							1,400,000			83
84	4907730	MARINE DEBRIS CLEANUP/AQUATIC INVASIVE PROGRAM							150,000			84
85	4908710	CITRUS RESEARCH		8,000,000	8,000,000				8,000,000	8,000,000		85
86	082002	LAND PROTECTION EASEMENTS							25,000,000			86
87	082528	ROOF REPLACE/REPAIR-STWIDE/ MAYO BLDG		255,000	255,000							87
88	083275	MAYO BLDG REFURB/REPAIRS		545,500	545,500							88
89	083620	REP/IMPROVE-HVAC DOYLE		1,000,000	1,000,000							89
90	083621	LAKE OKEECHOBEE AGRI. PROJ		15,000,000	15,000,000							90
91	083622	ROADS,BRIDGES/MAINT							2,509,697			91
92	083630	RENO/IMPRV-IRRADIATOR FAC		500,000	500,000							92
93	083635	RENO/REP/IMPRV-DIAG LAB		2,000,000	2,000,000							93
94	083643	MAIN/REP/CONST-STATEWIDE/POMPANO SFM							3,712,872			94
95	083643	MAIN/REP/CONST-STATEWIDE/FFS FACILITIES							2,399,951			95
96	083703	MAINT/REP SFM-STW		841,000	841,000				1,000,000			96
97	083715	CODE/LIFE SAFE SFM-STW							450,000			97
98	083753	REP/RENO-LAB CMLPX-LEON CO		536,450	536,450							98
99	083778	CONST/ADD KISSIMMEE LAB		1,162,232	1,162,232							99
100	083810	APIARY RES/EXT LAB		3,644,269	3,644,269							100
101	140250	FLA STATE FAIR AUTHORITY		3,000,000	3,000,000							101
102	145448	FLORIDA HORSE PARK										102
103	146010	G/A-ENERGY SYS CONSORTIUM		2,500,000	2,500,000							103

			AGENCY REQUEST FY 2015-16					GOVERNOR'S RECOMMENDATIONS FY 2015-16					
Issue Code	Issue Title	FTE	TOTAL GENERAL REVENUE	NR GENERAL REVENUE	LAND ACQUISITION TRUST FUND	OTHER TRUST FUNDS	FTE	TOTAL GENERAL REVENUE	NR GENERAL REVENUE	LAND ACQUISITION TRUST FUND	OTHER TRUST FUNDS		
104	146020	G/A-FL AGRICULTURAL MUSEUM		1,000,000	1,000,000							104	
105	146556	US DEPT OF ENERGY/PROJECTS				1,000,000						105	
106		TOTAL AGRICULTURE & CONSUMER SERVICES	3,646.25	211,285,274	65,894,453	0	1,360,727,856	3,564.25	140,705,163	10,550,000	5,068,417	1,305,646,022	106
107		DEPARTMENT OF CITRUS	55.00				51,865,676	55.00				51,865,676	107
108	160E470	REALIGNMENT OF AGENCY SPENDING AUTHORITY FOR DATA CENTER BILLING - DEDUCT										(6,024)	108
109	160E480	REALIGNMENT OF AGENCY SPENDING AUTHORITY FOR DATA CENTER BILLING - ADD										6,024	109
110	2503080	DIRECT BILLING FOR ADMINISTRATIVE HEARINGS										(24,767)	110
111	30011C0	DECREASED WORKLOAD FOR DATA CENTER TO SUPPORT AN AGENCY											111
112	33V0100	REDUCTION OF PAID ADVERTISING / PROMOTIONS					(3,000,000)					(3,000,000)	112
113	33V1620	VACANT POSITION REDUCTIONS						(6.00)				(411,887)	113
114		TOTAL DEPARTMENT OF CITRUS	55.00	0	0	0	48,865,676	49.00	0	0	0	48,429,022	114
115		DEPARTMENT OF ENVIRONMENTAL PROTECTION	3,095.00	43,697,489		171,606,566	464,898,393	3,095.00	43,697,489		171,606,566	464,898,393	115
116	160F370	CONTINUE TRANSFER BETWEEN VARIOUS CATEGORIES WITHIN THE DEPARTMENT - DEDUCT											116
117	160F380	CONTINUE TRANSFER BETWEEN VARIOUS CATEGORIES WITHIN THE DEPARTMENT - ADD											117
118	160F390	CONTINUE TRANSFER BETWEEN VARIOUS BUDGET ENTITIES IN EMERGENCY RESPONSE AND DISTRICT OFFICES -DEDUCT											118
119	160F400	CONTINUE TRANSFER BETWEEN VARIOUS BUDGET ENTITIES IN EMERGENCY RESPONSE AND DISTRICT OFFICES -ADD											119
120	160S150	CORRECT FUND SOURCE IDENTIFIER IN ADMINISTRATIVE TRUST FUND - DEDUCT										(165)	120
121	160S160	CORRECT FUND SOURCE IDENTIFIER IN ADMINISTRATIVE TRUST FUND - ADDBACK										165	121
122	160S190	CORRECT FUND SOURCE IDENTIFIER IN ADMINISTRATIVE TRUST FUND - WATER POLICY DEDUCT											122
123	160S200	CORRECT FUND SOURCE IDENTIFIER IN ADMINISTRATIVE TRUST FUND - WATER POLICY ADD											123
124	18085C0	REALIGN AND CONSOLIDATE INFORMATION TECHNOLOGY WORKFORCE - DEDUCT	(5.00)				(316,051)	(5.00)				(351,676)	124
125	18086C0	REALIGN AND CONSOLIDATE INFORMATION TECHNOLOGY WORKFORCE - ADD	5.00				316,051	5.00				351,676	125
126	2000260	REALIGN BUDGET BETWEEN CATEGORIES IN THE DIVISION OF STATE LANDS - DEDUCT					(84,000)					(84,000)	126
127	2000270	REALIGN BUDGET BETWEEN CATEGORIES IN THE DIVISION OF STATE LANDS - ADD					84,000					84,000	127
128	2000280	TRANSFER PUBLIC WATER SYSTEM POSITION AND FUNDING FROM WATER RESOURCE MANAGEMENT TO TECHNOLOGY AND INFORMATION SERVICES - DEDUCT	(1.00)				(167,197)	(1.00)				(167,197)	128
129	2000290	TRANSFER PUBLIC WATER SYSTEM POSITION AND FUNDING FROM WATER RESOURCE MANAGEMENT TO TECHNOLOGY AND INFORMATION SERVICES - ADD	1.00				167,197	1.00				167,197	129
130	2000340	REALIGN FEDERAL GRANT BUDGET AUTHORITY FROM OTHER PERSONAL SERVICES TO OPERATING CAPITAL OUTLAY - DEDUCT					(67,212)					(67,212)	130
131	2000350	REALIGN FEDERAL GRANT BUDGET AUTHORITY FROM OTHER PERSONAL SERVICES TO OPERATING CAPITAL OUTLAY - ADD					67,212					67,212	131
132	2000440	REALIGN BUDGET BETWEEN CATEGORIES - RECREATION AND PARKS - DEDUCT					(2,843,526)			(2,207,436)	(636,090)		132
133	2000450	REALIGN BUDGET BETWEEN CATEGORIES - RECREATION AND PARKS - ADD					2,843,526			2,207,436	636,090		133
134	2000460	REALIGN BUDGET BETWEEN CATEGORIES IN COASTAL AND AQUATIC MANAGED AREAS - DEDUCT					(55,000)			(55,000)			134

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135	2000470	REALIGN BUDGET BETWEEN CATEGORIES IN COASTAL AND AQUATIC MANAGED AREAS - ADD									55,000		135			
136	2401500	REPLACEMENT OF MOTOR VEHICLES				444,357					936,392		136			
137	2503080	DIRECT BILLING FOR ADMINISTRATIVE HEARINGS										(322,596)	137			
138	3D00100	CONVERT OTHER PERSONAL SERVICES POSITIONS TO FULL TIME EQUIVALENT (FTE) - COASTAL AND AQUATIC MANAGED AREAS - DEDUCT										(181,477)	(195,409)	138		
139	3D00110	CONVERT OTHER PERSONAL SERVICES POSITIONS TO FULL TIME EQUIVALENT (FTE) - COASTAL AND AQUATIC MANAGED AREAS - ADD	8.00								186,586	190,300	139			
140	3D00160	TRANSFER AND CONVERT OTHER PERSONAL SERVICES STAFF TO FULL TIME EQUIVALENTS - DEDUCT	(6.00)									(511,400)	(309,776)	140		
141	3D00170	TRANSFER AND CONVERT OTHER PERSONAL SERVICES STAFF TO FULL TIME EQUIVALENTS - ADD	8.00								511,400	6.00	309,776	141		
142	3D00180	CONVERT OTHER PERSONAL SERVICES (OPS) STAFF TO FULL TIME EQUIVALENT (FTE) - RECREATION AND PARKS - DEDUCT										(161,976)	142			
143	3D00190	CONVERT OTHER PERSONAL SERVICES (OPS) STAFF TO FULL TIME EQUIVALENT (FTE) - RECREATION AND PARKS - ADD	4.00								161,976		143			
144	30010C0	INCREASED WORKLOAD FOR DATA CENTER TO SUPPORT AN AGENCY											168,177	144		
145	30011C0	DECREASED WORKLOAD FOR DATA CENTER TO SUPPORT AN AGENCY												145		
146	33B5090	TRANSFER TO INSTITUTE OF FOOD AND AGRICULTURE SCIENCES - LAKEWATCH - ENVIRONMENTAL ASSESSMENT AND RESTORATION												146		
147	33V4230	REDUCE TRANSFER TO FISH AND WILDLIFE CONSERVATION COMMISSION TO SUPPORT MARINE PATROL											(13,801,978)	147		
148	33V6350	REDUCE TMDL SPRINGS ENVIRONMENTAL MONITORING										(1,700,000)		148		
149	330C200	REAL ESTATE INITIATIVE SAVINGS										(67,182)	(29,415)	(404,938)	149	
150	3300200	REDUCE FUNDING PURSUANT TO AGENCY-WIDE LEASE SAVINGS										(67,182)	(29,415)	(404,938)	150	
151	3301090	OPERATIONAL EFFICIENCY REDUCTIONS										(155,50)	(934,830)	(323,595)	(4,332,578)	151
152	3302230	REDUCE COASTAL PROTECTION TRUST FUND TRANSFER TO FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION (FWCC) - EMERGENCY RESPONSE										(500,000)		152		
153	3302800	REDUCE STATEWIDE NUMERIC NUTRIENT CRITERIA MONITORING NETWORK - ENVIRONMENTAL ASSESSMENT AND RESTORATION										(1,640,679)		153		
154	3308300	REDUCE UNNECESSARY AUTHORITY RELATED TO WATER AND LAND CONSERVATION CONSTITUTIONAL AMENDMENT IMPLEMENTATION												154		
155	3400200	FUND SHIFT FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND TO VARIOUS TRUST FUNDS - DEDUCT										(3,813,723)		(3,705,858)	155	
156	3400210	FUND SHIFT FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND TO VARIOUS TRUST FUNDS - ADD										551,851	3,261,872	551,851	3,154,007	156
157	3400220	FUND SHIFT FROM PERMIT FEE TRUST FUND TO ECOSYSTEMS MANAGEMENT AND RESTORATION TRUST FUND - DEDUCT										(324,370)		157		
158	3400230	FUND SHIFT FROM PERMIT FEE TRUST FUND TO ECOSYSTEMS MANAGEMENT AND RESTORATION TRUST FUND - ADD										324,370		158		

Issue Code	Issue Title	AGENCY REQUEST FY 2015-16					GOVERNOR'S RECOMMENDATIONS FY 2015-16					
		FTE	TOTAL GENERAL REVENUE	NR GENERAL REVENUE	LAND ACQUISITION TRUST FUND	OTHER TRUST FUNDS	FTE	TOTAL GENERAL REVENUE	NR GENERAL REVENUE	LAND ACQUISITION TRUST FUND	OTHER TRUST FUNDS	
159	3400240										(1,028,997)	159
160	3400270										1,028,997	160
161	3400280										(57,834)	161
162	3400290										57,834	162
163	3400320				(67)					(67)		163
164	3400330					67					67	164
165	3400860						(63,325)				(63,325)	165
166	3400870					63,325					63,325	166
167	3401280						(359,000)				(359,000)	167
168	3401290					359,000					359,000	168
169	3408300								(12,000,000)		(117,249,644)	169
170	3408320											170
171	3408330									46,999,509		171
172	3408350									3,682,908		172
173	3408370									8,666,751		173
174	3408430											174
175	3408440											175
176	3408450											176
177	3408460											177
178	3408470									37,900,476		178
179	3409050											179

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		FTE	TOTAL GENERAL REVENUE	NR GENERAL REVENUE	LAND ACQUISITION TRUST FUND	OTHER TRUST FUNDS	FTE	TOTAL GENERAL REVENUE	NR GENERAL REVENUE	LAND ACQUISITION TRUST FUND	OTHER TRUST FUNDS	
180	3409060											180
181	99A0100											181
182	99A0110											182
183	3409010										(1,160,000)	183
184	3409020						1,160,000					184
185	3409030								288,415			185
186	3409040										(288,415)	186
187	36108C0					642,600						187
188	36204C0					1,000,000					1,000,000	188
189	36205C0					107,500					540,180	189
190	36207C0					339,939						190
191	36303C0					(2,629)	(43,640)			(2,629)	(43,640)	191
192	36304C0					46,269					46,269	192
193	4100110											193
194	4100120											194
195	4301450											195
196	4500140		250,000						250,000			196
197	4500400						3,317,000		3,317,000			197
198	50L0020											198
199	1700120											199
200	5300470						2,983,513		2,983,513			200
201	6401000											201
202	5700420					275,700			275,700			202
203	6200550	3.00					669,925					203
204	7300230						200,000				200,000	204
205	9905000								(10,000,000)		(71,777,777)	205

		AGENCY REQUEST FY 2015-16					GOVERNOR'S RECOMMENDATIONS FY 2015-16					
Issue Code	Issue Title	FTE	TOTAL GENERAL REVENUE	NR GENERAL REVENUE	LAND ACQUISITION TRUST FUND	OTHER TRUST FUNDS	FTE	TOTAL GENERAL REVENUE	NR GENERAL REVENUE	LAND ACQUISITION TRUST FUND	OTHER TRUST FUNDS	
206	9906000									10,000,000		206
207	9907000									58,389,740		207
208	9908000									13,388,037		208
209	080039					15,000,000				15,000,000		209
210	080524					6,500,000					6,500,000	210
211	080889					4,200,000					4,200,000	211
212	083045		20,000,000	20,000,000						20,000,000		212
213	083643				590,000					590,000		213
214	084108		119,300,000	119,300,000		10,700,000				130,000,000		214
215	087125					500,000						215
216	087126					500,000						216
217	087870		40,000,000	40,000,000						40,000,000		217
218	087889					110,000,000					110,000,000	218
219	087937				2,000,000					2,000,000		219
220	088130					4,000,000				4,000,000		220
221	088137					8,000,000					8,000,000	221
222	088502					3,500,000					3,500,000	222
223	088964				9,385,000					9,385,000		223
224	140001					4,000,000					4,000,000	224
225	140032											225
226	140061					958,000					958,000	226
227	140076					17,000,000			5,000,000		12,000,000	227
228	140122					2,100,000					2,100,000	228
229	140126		7,000,000	7,000,000		18,000,000				25,000,000		229
230	140129		7,440,800	7,440,800		88,422,307		7,440,800	7,440,800		88,422,307	230
231	140131		9,918,000	9,918,000		181,210,531		9,918,000	9,918,000		181,210,531	231
232	140134					3,000,000					3,000,000	232
233	140185					3,000,000					3,000,000	233
234	141117		40,000,000	40,000,000		35,000,000				90,000,000		234
235	141121		50,000,000	50,000,000				32,500,000	32,500,000	17,500,000		235
236	143276					16,000,000					16,000,000	236
237	149933		50,000,000	50,000,000				50,000,000	50,000,000			237
238	TOTA DEPARTMENT OF ENVIRONMENTAL PROTECTION	3,112.00	387,539,107	343,658,800	184,826,472	1,005,226,898	2,939.50	118,373,598	99,858,800	716,864,117	700,746,899	238
239	FISH & WILDLIFE CONSERVATION COMMISSION	2,112.50	27,564,455		3,764,709	297,396,372	2,112.50	27,564,455		3,764,709	297,396,372	239
240	160F600					(162,570)						240
241	160F610					162,570						241
242	160F620					(84,553)						242
243	160F630					84,553						243
244	1600030					200,002						244
245	2005000		(350,000)			(4,071,386)		(350,000)			(4,071,386)	245
246	2005100		350,000			4,071,386		350,000			4,071,386	246
247	2401500		1,550,517					1,550,517	1,550,517			247
248	2402500		792,830					792,830	792,830			248
249	2503080										11,834	249

Issue Code	Issue Title	AGENCY REQUEST FY 2015-16					GOVERNOR'S RECOMMENDATIONS FY 2015-16					
		FTE	TOTAL GENERAL REVENUE	NR GENERAL REVENUE	LAND ACQUISITION TRUST FUND	OTHER TRUST FUNDS	FTE	TOTAL GENERAL REVENUE	NR GENERAL REVENUE	LAND ACQUISITION TRUST FUND	OTHER TRUST FUNDS	
250	30010C0	INCREASED WORKLOAD FOR DATA CENTER TO SUPPORT AN AGENCY									79,981	250
251	30011C0	DECREASED WORKLOAD FOR DATA CENTER TO SUPPORT AN AGENCY										251
252	3006500	CONVERSION OF OTHER PERSONAL SERVICES POSITIONS TO FULL-TIME EQUIVALENT POSITIONS - BACK OUT					(1,140,740)					252
253	3006600	CONVERSION OF OTHER PERSONAL SERVICES POSITIONS TO FULL-TIME EQUIVALENT POSITIONS - ADD BACK	19.00				1,140,740					253
254	3400250	TRANSFER LAW ENFORCEMENT SALARIES FROM MARINE RESOURCES CONSERVATION TRUST FUND TO GENERAL REVENUE - BACK OUT					(5,000,000)					254
255	3400260	TRANSFER LAW ENFORCEMENT SALARIES FROM MARINE RESOURCES CONSERVATION TRUST FUND TO GENERAL REVENUE - ADD BACK		5,000,000								255
256	3404210	REALIGN SALARIES AND BENEFITS FUNDING - BACK OUT					(61,310)					256
257	3404220	REALIGN SALARIES AND BENEFITS FUNDING - ADD BACK					61,310					257
258	3408120	TRANSFER SALARIES AND BENEFITS FROM FEDERAL GRANTS TRUST FUND TO STATE GAME TRUST FUND - DEDUCT					(237,792)				(237,792)	258
259	3408130	TRANSFER SALARIES AND BENEFITS FROM FEDERAL GRANTS TRUST FUND TO STATE GAME TRUST FUND - ADD					237,792				237,792	259
260	3408300	TRANSFER TO LAND ACQUISITION TRUST FUND FOR WATER AND LAND CONSERVATION CONSTITUTIONAL AMENDMENT									(48,989,798)	260
261	3408310	TRANSFER FROM LAND ACQUISITION TRUST FUND FOR WATER AND LAND CONSERVATION CONSTITUTIONAL AMENDMENT									3,764,709	261
262	3408320	TRANSFER FROM GENERAL REVENUE FOR WATER AND LAND CONSERVATION CONSTITUTIONAL AMENDMENT										262
263	3408340	TRANSFER FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND FOR WATER AND LAND CONSERVATION CONSTITUTIONAL AMENDMENT										263
264	3408380	TRANSFER TO GRANTS AND DONATIONS TRUST FUND FOR WATER AND LAND CONSERVATION CONSTITUTIONAL AMENDMENT								(3,764,709)		264
265	3408390	TRANSFER FROM INVASIVE PLANT CONTROL TRUST FUND FOR WATER AND LAND CONSERVATION CONSTITUTIONAL AMENDMENT								34,823,647		265
266	3408410	TRANSFER FROM STATE GAME TRUST FUND FOR WATER AND LAND CONSERVATION CONSTITUTIONAL AMENDMENT								14,166,151		266
267	3408430	TRANSFER FROM ADMINISTRATIVE TRUST FUND FOR WATER AND LAND CONSERVATION CONSTITUTIONAL AMENDMENT										267
268	3408490	TRANSFER FROM MARINE RESOURCES CONSERVATION TRUST FUND										268
269	4004000	FLORIDA YOUTH CONSERVATION CENTERS NETWORK	4.00	137,747	7,764		387,410				387,410	269
270	4103000	OTHER PERSONAL SERVICES HEALTH INSURANCE					153,974				175,425	270
271	4400100	PROTECTION OF NATURAL SYSTEMS FLORIDA SHOREBIRD CONSERVATION INITIATIVE					152,000					271
272	4400700	OYSTER REEF HABITAT RESTORATION IN ST ANDREWS BAY					145,200					272
273	4401000	TRANSFER 3.5 POSITIONS FROM FRESHWATER FISHERIES MANAGEMENT TO HABITAT & SPECIES CONSERVATION - BACK OUT	(3.50)				(202,610)				(202,610)	273

			AGENCY REQUEST FY 2015-16					GOVERNOR'S RECOMMENDATIONS FY 2015-16					
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274	4401100	TRANSFER 3.5 POSITIONS FROM FRESHWATER FISHERIES MANAGEMENT TO HABITAT & SPECIES CONSERVATION - ADD BACK	3.50			202,610	3.50				202,610	274	
275	4402200	PROTECTION OF NATURAL SYSTEMS ESCRIBANO POINT - YELLOW RIVER WILDLIFE MANAGEMENT AREA				170,000						275	
276	6303000	NATURAL RESOURCE MANAGEMENT AND PUBLIC RECREATION PROGRAMS				700,000				700,000		276	
277	6502000	LAW ENFORCEMENT OPERATIONS		1,500,000								277	
278	7001000	APALACHICOLA OYSTER FISHERY MONITORING	2.00	294,270			2.00			294,270		278	
279	8105800	NATURAL RESOURCE DAMAGE ASSESSMENT - DEEPWATER HORIZON OIL SPILL				5,000					5,000	279	
280	080010	TENOROC SHOOTING RANGE FAC				950,000					950,000	280	
281	080026	TRIPLE N SHOOTING PARK				1,550,000						281	
282	082800	BOATING INFRASTRUCTURE				3,800,000					3,800,000	282	
283	085020	WMA LAND IMPROVEMENTS				1,500,000				1,500,000		283	
284	087126	NFWF/DEEPWATER HORIZON				2,958,300						284	
285	140004	ART FISH REEF CONST PROG		300,000	300,000	300,000					600,000	285	
286	080950	LAKE RESTORATION										286	
287	140270	FL BOATING IMPROVEMENT PRG				1,842,600					1,842,600	287	
288	TOTAL FISH & WILDLIFE CONSERVATION COMMISSION		2,137.50	37,139,819	307,764	3,764,709	307,210,858	2,114.50	29,907,802	2,343,347	51,484,068	260,023,533	288
289	DEPARTMENT OF BUSINESS & PROFESSIONAL REGULATION		1,616.25	326,527		145,584,528	1,616.25	326,527		145,584,528		289	
290	160F480	REALIGN BUDGET AUTHORITY IN THE FLORIDA BOXING COMMISSION REAPPROVAL OF EOG #B7074 - DEDUCT OPS AND EXPENSES				(26,000)					(26,000)	290	
291	160F490	REALIGN BUDGET AUTHORITY IN THE FLORIDA BOXING COMMISSION - REAPPROVAL OF EOG #B7074 - ADD SALARIES AND BENEFITS				26,000					26,000	291	
292	1605560	REAPPROVAL OF EOG #B0141 - TENANT BROKER COMMISSIONS				48,629						292	
293	1606080	REAPPROVAL OF EOG #B0172 - TRANSFER POSITION AND BUDGET AUTHORITY FROM CUSTOMER CONTACT CENTER TO CENTRAL INTAKE UNIT - DEDUCT	(1.00)			(53,296)						293	
294	1606090	REAPPROVAL OF EOG #B0172 - TRANSFER POSITION AND BUDGET AUTHORITY FROM CUSTOMER CONTACT CENTER TO CENTRAL INTAKE UNIT - ADD	1.00			53,296						294	
295	1609040	REAPPROVAL OF EOG #P0026 - REALIGN SALARY RATE FROM THE BUREAU OF TESTING/EDUCATION TO THE FLORIDA BOXING COMMISSION - DEDUCT										295	
296	1609050	REAPPROVAL OF EOG #P0026 - REALIGN SALARY RATE FROM THE BUREAU OF TESTING/EDUCATION TO THE FLORIDA BOXING COMMISSION - ADD										296	
297	2000160	REALIGN BUDGET AUTHORITY FROM EXPENSE TO CONTRACTED SERVICES - DEDUCT				(20,000)					(20,000)	297	
298	2000170	REALIGN BUDGET AUTHORITY TO CONTRACTED SERVICES FROM EXPENSE - ADD				20,000					20,000	298	
299	2000180	REALIGN BUDGET AUTHORITY FROM CONTRACTED SERVICES TO ACQUISITION OF MOTOR VEHICLES AND OPERATION OF MOTOR VEHICLES - DEDUCT				(46,000)						299	
300	2000190	REALIGN BUDGET AUTHORITY FROM CONTRACTED SERVICES TO ACQUISITION OF MOTOR VEHICLES AND OPERATION OF MOTOR VEHICLES - ADD				46,000						300	
301	2002170	REALIGN BUDGET AUTHORITY FROM EXPENSES TO OPERATION OF MOTOR VEHICLES IN THE DIVISION OF HOTELS AND RESTAURANTS - DEDUCT				(37,647)						301	
302	2002180	REALIGN BUDGET AUTHORITY FROM EXPENSES TO OPERATION OF MOTOR VEHICLES IN THE DIVISION OF HOTELS AND RESTAURANTS - ADD				37,647						302	
303	2002200	REALIGN BUDGET AUTHORITY FROM EXPENSES TO ACQUISITION OF MOTOR VEHICLES - DEDUCT				(15,200)						303	

			AGENCY REQUEST FY 2015-16					GOVERNOR'S RECOMMENDATIONS FY 2015-16				
Issue Code	Issue Title	FTE	TOTAL GENERAL REVENUE	NR GENERAL REVENUE	LAND ACQUISITION TRUST FUND	OTHER TRUST FUNDS	FTE	TOTAL GENERAL REVENUE	NR GENERAL REVENUE	LAND ACQUISITION TRUST FUND	OTHER TRUST FUNDS	
304	2002210	REALIGN BUDGET AUTHORITY FROM EXPENSES TO ACQUISITION OF MOTOR VEHICLES - ADD				15,200						304
305	2002220	TRANSFER RESOURCES FOR CONTRACT SUPPORT IN THE DIVISION OF ADMINISTRATION - DEDUCT					(1.00)				(68,498)	305
306	2002230	TRANSFER RESOURCES FOR CONTRACT SUPPORT IN THE DIVISION OF ADMINISTRATION - ADD					1.00				68,498	306
307	2402400	ADDITIONAL EQUIPMENT - MOTOR VEHICLES				201,222					239,422	307
308	2402450	UTILIZATION OF FORFEITURE FUNDS FROM THE FEDERAL LAW ENFORCEMENT TRUST FUND - ACQUISITION OF MOTOR VEHICLES				300,000					285,000	308
309	2405000	LAW ENFORCEMENT EQUIPMENT - UTILIZATION OF FORFEITURE FUNDS FROM FEDERAL LAW ENFORCEMENT TRUST FUND				109,835					109,835	309
310	2503080	DIRECT BILLING FOR ADMINISTRATIVE HEARINGS									(329,769)	310
311	3D00200	UPGRADE BROAD BAND/BANDWIDTH IN FIELD OFFICES AND TALLAHASSEE - DEDUCT									(33,500)	311
312	3D00210	UPGRADE BROAD BAND/BANDWIDTH IN FIELD OFFICES AND TALLAHASSEE - ADD									33,500	312
313	3000770	EXECUTIVE DIRECTOR FOR THE FLORIDA REAL ESTATE COMMISSION (FREC) & FLORIDA REAL ESTATE APPRAISAL BOARD (FREAB) - DIVISION OF REAL ESTATE	1.00			86,133						313
314	30010C0	INCREASED WORKLOAD FOR DATA CENTER TO SUPPORT AN AGENCY									93,355	314
315	30011C0	DECREASED WORKLOAD FOR DATA CENTER TO SUPPORT AN AGENCY										315
316	3001470	OTHER PERSONAL SERVICES (OPS) STAFFING TO COMPLETE MICROFILM CONVERSION PROJECT IN THE DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO				130,806					130,806	316
317	3003500	STAFFING FOR CONTRACT SUPPORT ACTIVITIES IN THE DIVISION OF ADMINISTRATION	1.00			68,498						317
318	3007300	STAFFING NECESSARY TO MEET STATUTORILY REQUIRED FOOD SERVICE PLAN APPROVALS	1.00			66,222						318
319	33G0220	IMPROVE EFFICIENCY THROUGH THE REDUCTION OF POSITIONS					(26.00)					319
320	33V1620	VACANT POSITION REDUCTIONS										320
321	3300620	REDUCE LEASE/PURCHASE EQUIPMENT IN THE DIVISION OF REAL ESTATE									(20,000)	321
322	3300900	REDUCE EXPENSES IN THE DIVISION OF PARI-MUTUEL WAGERING									(15,200)	322
323	3300920	REDUCE FLORIDA BUILDING COMMISSION MEETING RELATED EXPENDITURES									(35,712)	323
324	3300970	REDUCES EXPENSES IN THE DIVISION OF HOTELS AND RESTAURANTS									(37,647)	324
325	36110C0	DISASTER RECOVERY				147,800					147,800	325
326	36150C0	AGENCY FOR STATE TECHNOLOGY (AST) - ENTERPRISE BACKUP				194,837					194,837	326
327	36180C0	BUSINESS INFORMATION PORTAL - DEDUCT					(2.00)				(188,005)	327
328	36190C0	BUSINESS INFORMATION PORTAL - ADD					2.00	1,462,887	712,316			328
329	36200C0	FLORIDA BUSINESS INFORMATION PORTAL										329
330	36314C0	RESOURCES TO ENHANCE THE ELECTRONIC DATA SUBMISSION (EDS) SYSTEM IN THE DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO - DEDUCT					(1.00)				(149,817)	330
331	36315C0	RESOURCES TO ENHANCE THE ELECTRONIC DATA SUBMISSION (EDS) SYSTEM IN THE DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO - ADD					1.00				172,827	331
332	36330C0	ELECTRONIC DATA SUBMISSION SYSTEM (EDS) IN THE DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO	2.00			171,908						332
333	3801100	TRAINING FOR THE BUREAU OF ENFORCEMENT IN THE DIVISION OF REAL ESTATE				56,304						333

Issue Code	Issue Title	AGENCY REQUEST FY 2015-16					GOVERNOR'S RECOMMENDATIONS FY 2015-16							
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334	3801500	LAW ENFORCEMENT TRAINING - UTILIZATION OF FORFEITURE FUNDS FROM FEDERAL LAW ENFORCEMENT TRUST FUND									121,750		121,750	334
335	4100100	INCREASE ENFORCEMENT OF UNLICENSED ACTIVITIES									250,000			335
336	4100950	TRAVEL EXPENSES FOR COMPLEX INVESTIGATIONS - UTILIZATION OF FORFEITURE FUNDS FROM THE FEDERAL LAW ENFORCEMENT TRUST FUND									18,000		18,000	336
337	4900300	TRANSFER TO VISIT FLORIDA												337
338	8000030	LEGAL COSTS - DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO												338
339	TOTAL DEPARTMENT OF BUSINESS & PROFESSIONAL REGULATION		1,621.25	326,527	0	0	147,556,472	1,590.25	1,789,414	712,316	0	146,322,010	339	
340	DEPARTMENT OF FINANCIAL SERVICES		1,939.50	23,251,254			217,536,493	1,939.50	23,251,254			217,536,493	340	
341	1800200	CONSOLIDATION OF INFORMATION TECHNOLOGY SERVICES - DEDUCT	(97.00)	(10,631,250)	(88,914)		(3,123,634)							341
342	1800210	CONSOLIDATION OF INFORMATION TECHNOLOGY SERVICES - ADD	97.00	10,631,250	88,914		3,123,634							342
343	2000130	REALIGN BUDGET AUTHORITY BETWEEN CATEGORIES TO MATCH ANTICIPATED RECURRING OPERATING EXPENDITURES - DEDUCT		(300,000)			(3,877,395)		(300,000)			(3,877,395)	343	
344	2000140	REALIGN BUDGET AUTHORITY BETWEEN CATEGORIES TO MATCH ANTICIPATED RECURRING OPERATING EXPENDITURES - ADD		300,000			3,877,395		300,000			3,877,395	344	
345	2000220	REALIGN SALARY BUDGET AUTHORITY TO MATCH RECURRING OPERATING EXPENDITURES - DEDUCT					(220,000)					(220,000)	345	
346	2000230	REALIGN SALARY BUDGET AUTHORITY TO MATCH RECURRING OPERATING EXPENDITURES - ADD					220,000					220,000	346	
347	2001110	REALIGN CONTRACTED SERVICES FROM CONSUMER ASSISTANCE TO FIRE MARSHAL - DEDUCT										(38,100)	347	
348	2001120	REALIGN CONTRACTED SERVICES FROM CONSUMER ASSISTANCE TO FIRE MARSHAL - ADD										38,100	348	
349	2004500	REALIGN BUDGET AUTHORITY IN PUBLIC ASSISTANCE FRAUD - DEDUCT					(102,785)					(102,785)	349	
350	2004510	REALIGN BUDGET AUTHORITY IN PUBLIC ASSISTANCE FRAUD - ADD					102,785					102,785	350	
351	2401400	REPLACEMENT OF SCIENTIFIC LABORATORY EQUIPMENT - ARSON LAB					100,000					100,000	351	
352	2401510	REPLACEMENT OF HIGH MILEAGE VEHICLES					450,000						352	
353	2503080	DIRECT BILLING FOR ADMINISTRATIVE HEARINGS										(26,488)	353	
354	3000940	WORKERS' COMPENSATION CLAIMS STAFFING - RISK MANAGEMENT	4.00				323,209						354	
355	3000990	STAFF FOR WORKERS' COMPENSATION COMPLIANCE PROCESS	7.00				440,670						355	
356	30010C0	INCREASED WORKLOAD FOR DATA CENTER TO SUPPORT AN AGENCY										235	356	
357	30011C0	DECREASED WORKLOAD FOR DATA CENTER TO SUPPORT AN AGENCY											357	
358	3001010	INCREASED STAFFING FOR FUNERAL AND CEMETERY INVESTIGATIONS	5.00				407,759						358	
359	3002500	INCREASED BANKING FEES					274,000					274,000	359	
360	3004500	ENHANCEMENTS FOR LAW ENFORCEMENT PERSONNEL - FEDERAL GRANTS TRUST FUND					546,325					546,325	360	
361	30050C0	FLAIR SUCCESSION PLAN - OVERLAP STAFF TO MAINTAIN FLAIR PROFICIENCY	1.00	88,914	88,914								361	
362	3005320	STAFFING/WORKLOAD - LAW ENFORCEMENT PERSONNEL - WORKERS' COMPENSATION INSURANCE FRAUD	3.00				210,000	3.00				210,000	362	
363	3008A10	WORKERS' COMPENSATION CLAIMS ADJUSTER SALARY FOR FRAUD DETECTION										281,625	363	

		AGENCY REQUEST FY 2015-16					GOVERNOR'S RECOMMENDATIONS FY 2015-16						
Issue Code	Issue Title	FTE	TOTAL GENERAL REVENUE	NR GENERAL REVENUE	LAND ACQUISITION TRUST FUND	OTHER TRUST FUNDS	FTE	TOTAL GENERAL REVENUE	NR GENERAL REVENUE	LAND ACQUISITION TRUST FUND	OTHER TRUST FUNDS		
364	3009A50	WORKERS' COMPENSATION INTERNAL SELF-SUFICIENCY INITIATIVE	2.00			180,793						364	
365	33G0220	IMPROVE EFFICIENCY THROUGH THE REDUCTION OF POSITIONS					(9.00)					365	
366	33V0100	ELIMINATE ARTICLE V PROGRAM POSITIONS AND REQUIREMENTS	(6.00)			(380,656)	(6.00)				(380,656)	366	
367	33V1620	VACANT POSITION REDUCTIONS	(10.00)				(6.00)					367	
368	33V2100	REDUCE POSITION(S) - BUREAU OF GENERAL SERVICES - ADMINISTRATION					(1.00)				(35,956)	368	
369	33V2230	REDUCTION OF CLIENT SERVICES FUNDING				(400,000)					(400,000)	369	
370	33V2240	REDUCE OTHER PERSONAL SERVICES FUNDING									(100,000)	370	
371	33V2300	REDUCE POSITION(S) - BUREAU OF FINANCIAL AND SUPPORT SERVICES - ADMINISTRATION					(3.00)				(155,702)	371	
372	33V5520	ELIMINATE TRANSFER TO FLORIDA CATASTROPHIC STORM RISK MANAGEMENT CENTER AT FLORIDA STATE UNIVERSITY									(1,500,000)	372	
373	33V6130	REDUCE POSITION(S) IN INSURANCE AGENT PRE-LICENSING EDUCATION SECTION					(1.00)				(48,796)	373	
374	36105C0	FLAIR REPLACEMENT	25.00			15,000,000						374	
375	36323C0	RISK MANAGEMENT INFORMATION SYSTEM				554,000					554,000	375	
376	36362C0	REMEDY AND PROCESS SUPPORT STAFF AUGMENTATION				356,104						376	
377	4A04300	REVIEWING AND MONITORING OF PROGRAM CHANGE REQUESTS	3.00			288,348						377	
378	4000700	INCREASE EXCESS PROPERTY INSURANCE				989,395						378	
379	4000740	INCREASE EXPENSE BUDGET AUTHORITY				162,000					162,000	379	
380	4000750	INCREASE CONTRACTED SERVICES BUDGET AUTHORITY				38,100						380	
381	4000770	FIRE PREVENTION DATABASE				25,844						381	
382	4000780	INCREASE BUDGET AUTHORITY FOR DIVISION OF WORKERS' COMPENSATION ASSESSMENTS				705,921						382	
383	4000790	CONTRACTED MEDICAL SERVICES CONTRACT INCREASE				221,849					221,849	383	
384	40076C0	FLORIDA ACCOUNTING INFORMATION RESOURCE (FLAIR) SUPPORT				2,000,000					2,000,000	384	
385	080940	ARSON LAB-BLDG REP/MAINT				135,000					135,000	385	
386	080990	FIRE COLLEGE-BLDG MAINT				250,000					250,000	386	
387		TOTAL DEPARTMENT OF FINANCIAL SERVICES	1,973.50	23,340,168	88,914	0	240,415,154	1,916.50	23,251,254	0	0	219,623,929	387
388		OFFICE OF INSURANCE REGULATION	288.00				28,959,938	288.00				28,959,938	388
389	3005500	TITLE INSURANCE - STAFFING RESOURCES	2.00			837,818					400,000	389	
390	3006500	LIFE AND HEALTH - STAFFING RESOURCES	3.00			445,268						390	
391		TOTAL OFFICE OF INSURANCE REGULATION	293.00	0	0	0	30,243,024	288.00	0	0	0	29,359,938	391
392		OFFICE OF FINANCIAL REGULATION	362.00				38,237,686	362.00				38,237,686	392
393	33V0500	REDUCE POSITION(S) - OFFICE OF FINANCIAL REGULATION - FINANCIAL INSTITUTIONS					(1.00)				(46,904)	393	
394	33V0530	REDUCE EXPENSE - OFFICE OF FINANCIAL REGULATION - FINANCIAL INVESTIGATIONS									(53,273)	394	
395	33V0560	REDUCE OTHER PERSONAL SERVICES (OPS) - OFFICE OF FINANCIAL REGULATION - FINANCE									(58,116)	395	
396	33V0570	REDUCE EXPENSE - OFFICE OF FINANCIAL REGULATION - FINANCE									(92,017)	396	
397	33V0590	REDUCE POSITION(S) - OFFICE OF FINANCIAL REGULATION - SECURITIES					(1.00)				(37,040)	397	
398	33V0600	REDUCE EXPENSE - OFFICE OF FINANCIAL REGULATION - SECURITIES									(48,430)	398	
399	33V0610	REDUCE CONTRACTED SERVICES - OFFICE OF FINANCIAL REGULATION - SECURITIES									(116,231)	399	

Issue Code	Issue Title	AGENCY REQUEST FY 2015-16					GOVERNOR'S RECOMMENDATIONS FY 2015-16						
		FTE	TOTAL GENERAL REVENUE	NR GENERAL REVENUE	LAND ACQUISITION TRUST FUND	OTHER TRUST FUNDS	FTE	TOTAL GENERAL REVENUE	NR GENERAL REVENUE	LAND ACQUISITION TRUST FUND	OTHER TRUST FUNDS		
400	4900030	OFFICE OF FINANCIAL REGULATION - RE-PROCUREMENT OF DEFERRED PRESENTMENT PROVIDER DATABASE CONTRACT										400	
401		TOTAL OFFICE OF FINANCIAL REGULATION	362.00	0	0	0	38,237,687	360.00	0	0	0	37,785,675	401
402		DEPARTMENT OF THE LOTTERY	420.00				162,370,862	420.00				162,370,862	402
403	24010C0	INFORMATION TECHNOLOGY INFRASTRUCTURE REPLACEMENT					68,726					68,726	403
404	30010C0	INCREASED WORKLOAD FOR DATA CENTER TO SUPPORT AN AGENCY											404
405	30011C0	DECREASED WORKLOAD FOR DATA CENTER TO SUPPORT AN AGENCY											405
406	3007100	INCREASE TO LOTTERY OTHER PERSONAL SERVICES BASE					120,000					120,000	406
407	3009300	FLORIDA LOTTERY INDEPENDENT SECURITY AUDIT					224,500					224,500	407
408	3301810	REDUCTION TO CONTRACTED SERVICES - VEHICLE REPAIR AND MAINTENANCE											408
409	3306800	REDUCTION TO TERMINAL GAMES FEES APPROPRIATION BASED ON REVENUE ESTIMATING CONFERENCE											409
410	36226C0	LOTTERY WINDOWS SERVER REFRESH					87,698					87,698	410
411	36227C0	LOTTERY TAPE LIBRARIES FOR DISASTER RECOVERY					375,929					375,929	411
412	5000000	FLORIDA LOTTERY OPERATIONS FUNDING					9,552,933					4,345,114	412
413	5000110	INCREASE TO INSTANT TICKET PURCHASE APPROPRIATION											413
414	5000210	INCREASE TO TERMINAL GAMES FEES APPROPRIATION					568,904						414
415		TOTAL DEPARTMENT OF THE LOTTERY	420.00	0	0	0	173,369,552	420.00	0	0	0	167,592,829	415
416		DEPARTMENT OF MANAGEMENT SERVICES	854.50	25,816,061			523,174,923	854.50	25,816,061			523,174,923	416
417	2008220	REALIGNMENT OF FUNDS FOR PREPAID WIRELESS FEES - ADD										21,008,397	417
418	2008230	REALIGNMENT OF FUNDS FOR PREPAID WIRELESS FEES - DEDUCT										(21,008,397)	418
419	2008240	REALIGNMENT OF FUNDS FOR PREPAID WIRELESS - ADD											419
420	2008250	REALIGNMENT OF FUNDS FOR PREPAID WIRELESS - DEDUCT											420
421	2503080	DIRECT BILLING FOR ADMINISTRATIVE HEARINGS							(811,864)			43,274	421
422	3D05150	REDIRECT ADMINISTRATIVE RESOURCES - DEDUCT					(2,000)					(2,000)	422
423	3D05160	REDIRECT ADMINISTRATIVE RESOURCES - ADD					2,000					2,000	423
424	3D05170	REDIRECT PRIVATE PRISON MONITORING RESOURCES - DEDUCT		(15,200)					(15,200)				424
425	3D05180	REDIRECT PRIVATE PRISON MONITORING RESOURCES - ADD		15,200					15,200				425
426	3D05190	SHARED SAVINGS FOR ENERGY EFFICIENCY UPGRADES - DEDUCT					(250,000)					(250,000)	426
427	3D05200	SHARED SAVINGS FOR ENERGY EFFICIENCY UPGRADES - ADD					250,000					250,000	427
428	3000640	PROCUREMENT RESOURCES	2.00				266,731						428
429	30010C0	INCREASED WORKLOAD FOR DATA CENTER TO SUPPORT AN AGENCY							5,074			169,525	429
430	30011C0	DECREASED WORKLOAD FOR DATA CENTER TO SUPPORT AN AGENCY											430
431	30012C0	DISASTER RECOVERY					260,935					260,935	431
432	30055C0	STAFF AUGMENTATION FOR MYFLORIDANET MIGRATION					349,440					349,440	432
433	3009A70	ADDITIONAL RESOURCES FOR INFORMATION TECHNOLOGY	1.00				114,893						433
434	3009510	ADDITIONAL STAFF RESOURCES NEEDED TO MEET THE REAL ESTATE OPTIMIZATION PLAN		420,146	420,146				399,146	399,146			434
435	3208350	BROADBAND SVCS-ARRA 2009					(597,316)					(597,316)	435

Issue Code	Issue Title	AGENCY REQUEST FY 2015-16					GOVERNOR'S RECOMMENDATIONS FY 2015-16					
		FTE	TOTAL GENERAL REVENUE	NR GENERAL REVENUE	LAND ACQUISITION TRUST FUND	OTHER TRUST FUNDS	FTE	TOTAL GENERAL REVENUE	NR GENERAL REVENUE	LAND ACQUISITION TRUST FUND	OTHER TRUST FUNDS	
436	33G0220											436
							(2.00)					
437	33J0120		(49.25)									437
438	33J0130											438
439	33V0630											439
440	3300510											440
441	3308070											441
442	36108C0											442
443	36250C0											443
444	36260C0											444
445	36332C0											445
446	36334C0											446
447	36337C0											447
448	36345C0											448
449	36387C0											449
450	36388C0											450
451	36389C0											451
452	4000020											452
453	4000470											453
454	4000480											454
455	4000490											455
456	4000800											456
457	40010C0											457
458	40012C0											458
459	40020C0											459
460	4005000											460
461	4100050											461
462	4100080											462
463	4100150											463
464	4100180											464
465	41004C0											465
466	41005C0											466
467	4105260											467
468	4105610											468
469	42021C0											469
470	44006C0											470
471	44021C0											471
472	081010											472

Issue Code	Issue Title	AGENCY REQUEST FY 2015-16					GOVERNOR'S RECOMMENDATIONS FY 2015-16					
		FTE	TOTAL GENERAL REVENUE	NR GENERAL REVENUE	LAND ACQUISITION TRUST FUND	OTHER TRUST FUNDS	FTE	TOTAL GENERAL REVENUE	NR GENERAL REVENUE	LAND ACQUISITION TRUST FUND	OTHER TRUST FUNDS	
473	081400 LIFE SAFETY PROJ. STW					971,300					971,300	473
474	083400 CAP. DEP. - GENERAL					4,452,877					4,452,877	474
475	TOTAL DEPARTMENT OF MANAGEMENT SERVICES	813.25	33,314,726	3,190,357	0	543,220,795	802.25	31,483,108	5,939,696	0	550,890,939	475
476	DIVISION OF ADMINISTRATIVE HEARINGS	241.00				25,777,558	241.00				25,777,558	476
477	3300800 REDUCE JUDGE POSITIONS					(2.00)						477
478	3300810 CLOSE PORT ST. LUCIE DISTRICT OFFICE					(4.00)						478
479	4003A00 TRANSFER POSITIONS TO SELECTED EXEMPT SERVICE					46,463					46,463	479
480	TOTAL DIVISION OF ADMINISTRATIVE HEARINGS	241.00	0	0	0	25,824,021	235.00	0	0	0	25,824,021	480
481	AGENCY FOR STATE TECHNOLOGY	241.00	3,563,812			56,988,568	241.00	3,563,812			56,988,568	481
482	160E470 REALIGNMENT OF AGENCY SPENDING AUTHORITY FOR DATA CENTER BILLING - DEDUCT							(3,286)				482
483	160E480 REALIGNMENT OF AGENCY SPENDING AUTHORITY FOR DATA CENTER BILLING - ADD							3,286				483
484	3001000 INCREASE STATE DATA CENTER BUDGET AUTHORITY TO MEET CUSTOMER NEEDS											484
485	30010C0 INCREASED WORKLOAD FOR DATA CENTER TO SUPPORT AN AGENCY											485
486	3301010 REDUCTION IN ADMINISTRATIVE OVERHEAD										(398,867)	486
487	36155C0 BUDGET AUTHORITY TO MEET AGENCIES ADDITIONAL DATA PROCESSING NEEDS										3,163,858	487
488	36177C0 COMPLETE CONSOLIDATION OF AGENCY HARDWARE INTO STANDARDIZED PLATFORMS					1,072,774					1,072,774	488
489	36178C0 CONSOLIDATE AND EXPAND STORAGE AND BACKUP INFRASTRUCTURE					2,350,679					2,350,679	489
490	36179C0 CONSOLIDATE STATE DATA CENTER OPERATIONS (AST)					782,604					782,604	490
491	36181C0 CONSOLIDATE AND OPTIMIZE NETWORK INFRASTRUCTURE					302,000					302,000	491
492	36182C0 CONSOLIDATE AND OPTIMIZE DATABASE PLATFORM OPERATIONS					850,926					850,926	492
493	36183C0 CONSOLIDATE AND OPTIMIZE SOFTWARE LICENSES					924,754					924,754	493
494	36184C0 CONSOLIDATE AND OPTIMIZE SECURITY INFRASTRUCTURE					318,250					318,250	494
495	36186C0 AGENCY FOR STATE TECHNOLOGY CONTINUITY OF OPERATIONS SERVICES					295,197						495
496	36187C0 STABILIZE AND SUPPORT DATA CENTER POWER INFRASTRUCTURE					356,000					356,000	496
497	36188C0 EXPANSION OF ENTERPRISE BACKUP PHASE TWO					588,632					588,632	497
498	36195C0 DISASTER RECOVERY										2,828,929	498
499	36199C0 ESTABLISH CONTINGENCY RESERVE FOR DATA CENTER OPERATIONS											499
500	36387C0 NETWORK DISTRIBUTION SWITCHES										589,434	500
501	36388C0 NETWORK INFRASTRUCTURE										402,185	501
502	TOTAL AGENCY FOR STATE TECHNOLOGY	241.00	3,563,812	0	0	64,830,384	241.00	3,563,812	0	0	71,120,726	502
503	PUBLIC SERVICE COMMISSION	286.00	213,194			25,185,683	286.00	213,194			25,185,683	503
504	160E470 REALIGNMENT OF AGENCY SPENDING AUTHORITY FOR DATA CENTER BILLING - DEDUCT										(1,120)	504
505	160E480 REALIGNMENT OF AGENCY SPENDING AUTHORITY FOR DATA CENTER BILLING - ADD										1,120	505
506	30011C0 DECREASED WORKLOAD FOR DATA CENTER TO SUPPORT AN AGENCY											506
507	33G0350 REDUCE VACANT POSITIONS					(101,946)						507
508	33G0710 REDUCTION IN EXPENSE APPROPRIATION										(19,021)	508
509	33H0340 REDUCE OPERATIONAL COSTS										(79,000)	509
510	33V1620 VACANT POSITION REDUCTIONS						(18.00)				(977,963)	510
511	330C200 REAL ESTATE INITIATIVE SAVINGS										(5,429)	511
512	TOTAL PUBLIC SERVICE COMMISSION	284.00	213,194	0	0	25,083,737	268.00	213,194	0	0	24,104,270	512

Issue Code	Issue Title	AGENCY REQUEST FY 2015-16					GOVERNOR'S RECOMMENDATIONS FY 2015-16					
		FTE	TOTAL GENERAL REVENUE	NR GENERAL REVENUE	LAND ACQUISITION TRUST FUND	OTHER TRUST FUNDS	FTE	TOTAL GENERAL REVENUE	NR GENERAL REVENUE	LAND ACQUISITION TRUST FUND	OTHER TRUST FUNDS	
513	DEPARTMENT OF REVENUE	5,133.00	184,167,778			350,960,457	5,133.00	184,167,778			350,960,457	513
514	1604010 CONTINUE BUDGET AMENDMENT EOG# B0319 FOR CLERKS OF COURT BUDGET AUTHORITY					7,402,734						514
515	2400200 EQUIPMENT REPLACEMENT					195,775					195,775	515
516	2503080 DIRECT BILLING FOR ADMINISTRATIVE HEARINGS										1,663,970	516
517	3000120 INCREASE SPENDING AUTHORITY TO COLLECTION AGENCIES					500,000					500,000	517
518	3000130 ADDITIONAL BUDGET STATE COURT ADMINISTRATOR		90,020			174,745		90,020			174,745	518
519	30010C0 INCREASED WORKLOAD FOR DATA CENTER TO SUPPORT AN AGENCY							10,420			376,310	519
520	30011C0 DECREASED WORKLOAD FOR DATA CENTER TO SUPPORT AN AGENCY											520
521	3002000 AID TO LOCAL GOVERNMENTS - AERIAL PHOTOGRAPHY/MAPPING		780,383	780,383				780,383	780,383			521
522	3007000 ADDITIONAL STAFF FOR STATE ATTORNEY 10TH JUDICIAL CIRCUIT		32,095			62,301		32,184	938		62,474	522
523	33V0170 REDUCE EXPENSE							(70,000)				523
524	33V0190 REDUCTION DUE TO FT. PIERCE LEASE SAVINGS							(11,859)			(87,659)	524
525	33V0330 CHILD SUPPORT PROGRAM - POSTAL SAVINGS FROM REVISED MAILING PRACTICES							(50,086)			(97,227)	525
526	33V2110 HOLD TIME ON 1-800-KIDS LINE CHILD SUPPORT ENFORCEMENT PROGRAM							(187,680)			(364,320)	526
527	33V4000 GENERAL TAX ADMINISTRATION - POSTAL SAVINGS FROM EARNED VALUE CREDIT							(36,180)				527
528	33V4030 GENERAL TAX ADMINISTRATION - POSTAL SAVINGS FROM REVISED MAILING PRACTICES							(56,500)				528
529	33V4040 GENERAL TAX ADMINISTRATION - DISCONTINUE PRINTING/MAILING TAXPAYER INFORMATION PUBLICATIONS (TIPS)							(24,188)				529
530	33V4060 GENERAL TAX ADMINISTRATION - PRINTING EXPENSE SAVINGS							(17,502)				530
531	3302100 EXECUTIVE DIRECTION AND SUPPORT SERVICES REDUCTION IN EXPENSE							(50,000)				531
532	3302120 REDUCE CHILD SUPPORT ENFORCEMENT CLERK OF COURT COLLECTION TRUST FUND UNFUNDED BUDGET										(450,000)	532
533	3400660 FUND SHIFT FROM GENERAL REVENUE AND FEDERAL GRANTS TRUST FUND TO INCENTIVE TRUST FUND - ADD										2,000,000	533
534	3400670 FUND SHIFT FROM GENERAL REVENUE AND FEDERAL GRANTS TRUST FUND TO INCENTIVE TRUST FUND - DEDUCT							(680,000)			(1,320,000)	534
535	3403870 SHIFT LEASE SAVINGS TO OFFSET DUPLICATE EXPENSE REDUCTION - DEDUCT							(32,298)				535
536	3403880 SHIFT LEASE SAVINGS TO OFFSET DUPLICATE EXPENSE REDUCTION - ADD							32,298				536
537	4200100 REALIGNMENT OF GENERAL TAX ADMINISTRATION BUDGET - DEDUCT					(135,000)					(135,000)	537
538	4200200 REALIGNMENT OF GENERAL TAX ADMINISTRATION BUDGET - ADD					135,000					135,000	538
539	4200300 INCREASE IN ADMIN COSTS - EMERGENCY COMMUNICATION SYSTEM CH 2014-196, LOF (HB 175)					339,027					339,027	539
540	4400250 UNAMORTIZED TENANT IMPROVEMENT COSTS - CLEARWATER		153,801	153,801								540
541	4600120 RESTORE DUPLICATE EXPENSE REDUCTION FOR LEASE SAVINGS		33,298									541
542	5006080 CONTINUATION OF EMERGENCY DISTRIBUTION TO COUNTIES					1,300,000					1,300,000	542
543	52M0540 FISCALLY CONSTRAINED COUNTIES - AD VALOREM TAX							25,800,000	25,800,000			543
544	TOTAL DEPARTMENT OF REVENUE	5,133.00	185,257,375	934,184	0	360,935,039	5,133.00	209,696,790	26,581,321	0	355,253,552	544
545	GRAND TOTAL	20,332.75	881,980,002	414,074,472	188,591,181	4,371,747,153	19,921.25	558,984,135	145,985,480	773,416,602	3,942,723,365	545

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 558

INTRODUCER: Senator Stargel

SUBJECT: Public Lodging and Public Food Service Establishments

DATE: March 16, 2015

REVISED: 03/17/15

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	Favorable
2.	<u>Davis</u>	<u>DeLoach</u>	<u>AGG</u>	Recommend: Favorable
3.	<u></u>	<u></u>	<u>FP</u>	

I. Summary:

SB 558 deletes the July 1, 2014, date by which the Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (department) was required to adopt a rule for risk-based inspection of public food service establishments. The number or frequency of risk-based inspections is based on several risk factors, including the type of food utilized, food preparation methods, and inspection and compliance history. The division adopted the risk-based inspection frequency rule on July 4, 2013. The bill authorizes the division to reassess the inspection frequency more than once annually.

The bill deletes the requirement that the division provide each inspected public food service establishment and temporary food service event sponsor with the food recovery brochure. Instead it must notify the establishments that the brochure is available. The food recovery brochure is developed by the Department of Agriculture and Consumer Services (DACs) to provide information regarding food recovery programs that provide surplus food to governmental agencies and local volunteer and nonprofit organizations for distribution to those in need. The division maintains an electronic copy of this brochure on its website.

The bill permits currently licensed public food service establishments to operate at a temporary food service event for the duration of the event without obtaining an additional temporary food service event license. The bill permits the division to deliver inspection reports to operators of public food service and public lodging establishments by electronic transmittal. Additionally, the bill requires public food service establishments to maintain a copy of the inspection report and to make the copy of the inspection report available to the division upon inspection. However, it deletes the requirement that the establishment maintain a duplicate copy of the inspection report on the premises. According to the division, this would permit establishments to maintain the inspection report in any format or electronic location, such as in cloud storage or a corporate computer system, rather than as a physical, duplicate copy on premises. The bill maintains the

requirement that establishments must make a copy of the inspection report available to the public upon request.

The bill deletes the \$100 delinquent fee for public food service establishments and public lodging establishments that file for renewal more than 30 but not more than 60 days after the expiration date of the license. Licensees who fail to file a license renewal for 30 days or less after the date the license expires would be assessed a \$50 delinquent fee.

The bill is estimated to have a negative fiscal impact of \$461,420 on the Hotels and Restaurants Trust Fund. In addition, as a result of the estimated \$461,420 reduction in license fees, the department estimates a \$36,914 annual reduction in the service charge paid to the General Revenue Fund.

The bill provides an effective date of July 1, 2015.

II. Present Situation:

The Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (department) is the state agency charged with enforcing the provisions of part I of ch. 509, F.S., and all other applicable laws relating to the inspection and regulation of public lodging establishments and public food service establishments for the purpose of protecting the public health, safety, and welfare.

Public Food Service Establishments

In Fiscal Year 2013-2014, there were 87,083 licensed public food service establishments, including seating, permanent non-seating, hotdog carts, and mobile food dispensing vehicles.¹ During Fiscal Year 2013-2014, the division also issued 7,718 temporary food service event licenses.²

Section 509.013(5)(a), F.S., defines the term “public food service establishment” to mean:

any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for consumption.

Section 509.013(5)(b), F.S., exempts the following from the definition of the term “public food service establishment:

1. Any place maintained and operated by a public or private school, college, or university:

¹ *Annual Report, Fiscal Year 2013-2014*, Division of Hotels and Restaurants, Department of Business and Professional Regulation. A copy is available at: http://www.myfloridalicense.com/dbpr/hr/reports/annualreports/hr_annual_reports.html (last visited February 20, 2015).

² *Id.*

- a. For the use of students and faculty; or
- b. Temporarily to serve such events as fairs, carnivals, and athletic contests.
2. Any eating place maintained and operated by a church or a religious, nonprofit fraternal, or nonprofit civic organization:
 - a. For the use of members and associates; or
 - b. Temporarily to serve such events as fairs, carnivals, or athletic contests.
3. Any eating place located on an airplane, train, bus, or watercraft which is a common carrier.
4. Any eating place maintained by a facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families or other similar place that is regulated under s. 381.0072.
5. Any place of business issued a permit or inspected by the Department of Agriculture and Consumer Services under s. 500.12.
6. Any place of business where the food available for consumption is limited to ice, beverages with or without garnishment, popcorn, or prepackaged items sold without additions or preparation.
7. Any theater, if the primary use is as a theater and if patron service is limited to food items customarily served to the admittees of theaters.
8. Any vending machine that dispenses any food or beverages other than potentially hazardous foods, as defined by division rule.
9. Any vending machine that dispenses potentially hazardous food and which is located in a facility regulated under s. 381.0072.
10. Any research and development test kitchen limited to the use of employees and which is not open to the general public.

Public Lodging Establishments

In Fiscal Year 2013-2014, there were 38,472 licensed public lodging establishments, including hotels, motels, non-transient and transient rooming houses, and resort condominiums and dwellings.³

The term “public lodging establishments” includes transient and non-transient public lodging establishments.⁴ The principal differences between transient and non-transient public lodging establishments are the number of times that the establishments are rented in a calendar year and the length of the rentals.

Section 509.013(4)(a)1., F.S., defines a “transient public lodging establishment” to mean:

any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar

³ *Id.*

⁴ Section 509.013(4)(a), F.S.

month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

Section 509.013(4)(a)2., F.S., defines a "non-transient public lodging establishment" to mean:

any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests for periods of at least 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of at least 30 days or 1 calendar month.

A non-transient apartment is a building or complex of buildings in which 75 percent or more of the units are available for rent to non-transient tenants.⁵ A transient apartment is a building or complex of buildings in which more than 25 percent of the units are advertised or held out to the public as available for transient occupancy.⁶

Section 509.013(4)(b), F.S., exempts dormitories, hospital and medical establishments, residential units, migrant labor camps, and establishments inspected by the Department of Health from the definition of "public lodging establishment."

Public lodging establishments are classified as a hotel, motel, vacation rental, non-transient apartment, transient apartment, bed and breakfast inn, and timeshare project.⁷

The 38,472 public lodging establishments that were licensed by the division in Fiscal Year 2013-2014 were divided as follows:⁸

- Hotels - 1,720 licenses;
- Motels - 2,691 licenses;
- Non-transient apartments - 17,501 licenses;
- Transient apartments - 960 licenses;
- Bed and Breakfasts – 260 licenses;
- Vacation Rentals, Condominiums – 3,904 licenses; and
- Vacation Rentals, Dwellings – 11,436 licenses.

Inspections

The division, no later than July 1, 2014, was required to adopt by rule a risk-based inspection frequency for each licensed public food service establishment. The division's rule must require at least one, but not more than four, routine inspections that must be performed annually, and may include guidelines that consider the inspection and compliance history of a public food service establishment, the type of food and food preparation, and the type of service.

⁵ Section 509.242(1)(d), F.S.

⁶ Section 509.242(1)(e), F.S.

⁷ Section 509.242(1), F.S.

⁸ *Supra* note 1.

On July 4, 2013, the division adopted a risk-based inspection frequency rule. Beginning July 1, 2014, all public food service establishments regulated by the division are required to have one to four unannounced inspections each year. The division bases the number of inspections on several risk factors, including the type of food utilized, food preparation methods, and inspection and compliance history.⁹

The division is required to inspect each licensed public lodging establishment at least biannually. However, transient and non-transient apartments must be inspected at least annually.¹⁰ In Fiscal Year 2013-2014, the division completed 160,720 food service and lodging inspections.¹¹

The division has adopted the following inspection schedule:

Classification	Public Food Service Establishment Classification Guidelines	Minimum Annual Inspections
Level 1	Establishments licensed as annual temporary public food service establishments or vending machines; or Establishments that: <ul style="list-style-type: none"> • Do not cook raw animal food; or • Cook raw animal food, but do not cool any cooked or heated foods. 	1
Level 2	Establishments that: <ul style="list-style-type: none"> • Cook raw animal food and cool any cooked or heated foods; or • Conduct a special process as described in 3-502.11 or 3-502.12, Food Code, as adopted by reference in Rule 61C-1.1001, F.A.C.; or • Serve raw or undercooked animal food that requires a consumer advisory under 3-603.11, Food Code, as adopted by reference in Rule 61C-1.001, F.A.C., or Rule 61C-4.010, F.A.C.; 	2
Level 3	Establishments with three or more disciplinary Final Orders filed with the Agency Clerk within the previous two annual inspection cycles; or Establishments that serve a highly susceptible population as defined in the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C.	3
Level 4	Establishments with a confirmed foodborne illness within the previous calendar year.	4

All establishments licensed by the division shall be inspected at such other times as the division determines is necessary to ensure the public's health, safety, and welfare.¹²

⁹ Rule 61C-1.002(8)(d)2., L.O.F., and *supra* note 1.

¹⁰ Section 509.032(2)(a), F.S.

¹¹ *Supra* note 1. This total includes initial inspections and call-back inspections conducted by the division.

¹² Section 509.032(2)(a), F.S.

During an inspection, the division is required to provide each public food service establishment a copy of the food-recovery brochure¹³ developed under s. 595.420, F.S. Section 595.420(7), F.S., provides for the Department of Agriculture and Consumer Services (DACS) to develop a public information brochure that details the need of food recovery programs, the benefit of food recovery programs, the manner in which such organizations may become involved in food recovery programs, the protection afforded to such programs under s. 768.136, F.S., and the food recovery entities or food banks that exist in the state. The DACS must annually update this brochure. Food recovery programs provide surplus food to governmental agencies and local volunteer and nonprofit organizations for distribution to those in need, rather than continuing to see it destroyed.¹⁴

Section 509.091, F.S., requires the division to serve public lodging establishment and public food service establishment notices in writing by personal service or registered mail, including all inspection reports. If the operator of the establishment refuses to accept service or evades service, the division can post the notice in a conspicuous place at the establishment. The division prints the inspection report following each inspection and provides a copy to the operator. The operator of a public food service establishment is required to maintain the latest inspection report or a duplicate copy on the premises and make it available to the public upon request.¹⁵

Temporary Food Service Event Licenses

Section 509.032(3)(c)3.b., F.S., permits licensed public food service establishments to receive a temporary permit to operate under their license at temporary food service events of three days or less.

License Renewal

Public food service establishments and public lodging establishments are required to renew their licenses annually.¹⁶ Delinquent fees are assessed if the license is not renewed by the expiration date.¹⁷ The division is required to adopt delinquent fees by rule and to prescribe a maximum late fee of \$50 for licenses that are renewed within 30 days of the expiration date. Licenses that are renewed more than 30 but not more than 60 days after the expiration date must be assessed a delinquent fee not to exceed \$100.¹⁸ Licenses expired more than 60 days after the expiration date are subject to a fine ranging from \$250 to \$1,000.¹⁹

According to the division, in Fiscal Year 2013-2014, the division licensed 87,083 public food service establishments and public lodging establishments and collected \$895,224 in delinquent fees. From Fiscal Year 2006-2007 through Fiscal Year 2011-2012, the division collected an

¹³ The department maintains a copy of the food recovery brochure on its website at: <http://www.myfloridalicense.com/dbpr/hr/forms/hr-publications.html> (last visited February 20, 2015).

¹⁴ See 595.420(1), F.S.

¹⁵ Section 509.101(1), F.S.

¹⁶ Section 509.251(1), F.S., for public lodging establishments, and s. 509.251(2), F.S., for public food service establishments.

¹⁷ *Id.*

¹⁸ See rule 61C-1.008(5), F.A.C.

¹⁹ See rule 61C-1.005(6)(f), F.A.C.

average of \$849,669 in delinquent fees annually from 10,378 delinquent licensees. The \$100 delinquent fee accounted for approximately three-quarters, or more than \$660,000, of the average delinquent fees collected.²⁰

III. Effect of Proposed Changes:

Risk Based Inspection Frequency

The bill amends s. 509.032(2)(a), F.S., to delete the July 1, 2014, date by which the division was required to adopt a rule for risk based inspection frequency. The division adopted the rule on July 4, 2013.²¹

The bill also amends s. 509.032(2)(a), F.S., to require the division to reassess the inspection frequency at least annually instead of annually. According to the division, this would permit the department to reassess a public food service establishment's inspection frequency as frequently as the circumstances require.

Food Recovery Brochure

The bill amends s. 509.032, F.S., to permit the division to notify each inspected public food service establishment and temporary food service event sponsor of the availability of the food recovery brochure. The bill deletes the requirement that the division must provide each inspected establishment with a copy of the brochure. The bill does not specify how the division must make the brochure available.

Temporary Food Service Event Licenses

The bill amends s. 509.032(3)(c)3.b., to delete the three-day temporary license restriction for currently-licensed public food service establishments operating under their license at temporary food service events lasting up to three days. The bill would permit currently-licensed public food service establishments to operate at a temporary food service event for the duration of the event without obtaining an additional temporary food service event license even if the event exceeds three days.

Inspection Reports

The bill amends s. 509.091, F.S., to permit the division to deliver inspection reports to operators of public food service and public lodging establishments by electronic transmittal.

The bill amends s. 509.101(1), F.S., to require public food service establishments to maintain a copy of the inspection report and to make the copy of the inspection report available to the division upon inspection. It deletes the requirement that the establishment maintain a duplicate copy of the inspection report on the premises. According to the division, the bill permits establishments to maintain the inspection report in any format or electronic location, such as in cloud storage or a corporate computer system, rather than as a physical, duplicate copy on

²⁰ 2015 Department of Business and Professional Regulation Legislative Bill Analysis for SB 558, February 20, 2015.

²¹ Rule 61C-1.001(31), F.A.C.

premises. The bill maintains the requirement that establishments must make a copy of the inspection report available to the public upon request.

Delinquent Fees

The bill amends s. 509.251, F.S., to delete the \$100 delinquent fee for public food service establishments and public lodging establishments that file for renewal more than 30 but not more than 60 days after the expiration date of the license. A delinquent fee for a license renewal will not exceed \$50 regardless of the license expiration date.

Effective Date

The bill provides an effective date of July 1, 2015.

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:

SB 558 deletes the \$100 delinquent fee for public food service establishments and public lodging establishments that file for renewal more than 30 but not more than 60 days after the expiration date of the license. Licensees with a license expired more than 30 days after the expiration date of the license would pay a reduced delinquent fee, saving \$50 per establishment.

The bill would permit currently-licensed public food service establishments to operate at a temporary food service event for the duration of the event and would save them the expense of obtaining an additional temporary food service event license if the event exceeds three days. Per establishment savings depend upon the type of license obtained, ranging from \$105 per 4-30 day event to \$456 for an annual license.²²

²² 2015 Department of Business and Professional Regulation Legislative Bill Analysis for SB 558, February 20, 2015.

C. Government Sector Impact:

The department anticipates a loss in licensure fee and delinquent fee revenue of \$461,420.²³ Specifically, section one of the bill reduces revenue deposited into the Hotels and Restaurants Trust Fund by eliminating separate licenses for temporary food service events for licensed public food service establishments. According to the department, this provision results in a negative fiscal impact of \$130,620. Section four of the bill reduces revenue deposited into the Hotels and Restaurants Trust Fund by reducing the delinquent fee, from \$100 to \$50, for the renewal of a public food service establishment and public lodging establishment license expired 30-60 days. The department estimates this provision results in a negative fiscal impact of \$330,800. In addition, as a result of the estimated \$461,420 reduction in license fees, there will be a \$36,914 annual reduction in the service charge paid to the General Revenue Fund.²⁴

Additionally, the bill permits the division to notify each inspected public food service establishment and temporary food service event sponsor of the availability of the food recovery brochure. The division anticipates an indeterminate decrease in expenses relating to deleting the requirement that the division must provide each inspected establishment with a copy of the brochure. The department also anticipates an indeterminate reduction in expenses due to the provision in the bill that permits the department to deliver copies of inspection reports electronically to licensees.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 509.032, 509.091, 509.101, and 509.251.

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

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

None.

²³ 2015 Department of Business and Professional Regulation Legislative Bill Analysis for SB 558, February 20, 2015.

²⁴ *Id.*

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 Stargel

15-00570A-15

2015558__

1 A bill to be entitled
 2 An act relating to public lodging and public food
 3 service establishments; amending s. 509.032, F.S.;
 4 removing an obsolete date; revising the frequency at
 5 which the Division of Hotels and Restaurants of the
 6 Department of Business and Professional Regulation
 7 must reassess the inspection frequency of public food
 8 service establishments; removing the requirement that
 9 the department provide the food-recovery brochure to
 10 each inspected public food service establishment or
 11 temporary food service event sponsor; requiring the
 12 department to notify an inspected establishment or
 13 event sponsor of the food-recovery brochure's
 14 availability; removing the limitation on the period
 15 that a licensed public food service establishment may
 16 operate at a temporary food service event; amending s.
 17 509.091, F.S.; authorizing the division to deliver
 18 lodging inspection reports and food service inspection
 19 reports by electronic means; amending s. 509.101,
 20 F.S.; requiring an operator of a public food service
 21 establishment to make available a copy of the latest
 22 food service inspection report at the time of a
 23 division inspection; amending s. 509.251, F.S.;
 24 revising the assessment of the delinquent fee for the
 25 license renewal of a public lodging establishment and
 26 public food service establishment; providing an
 27 effective date.
 28
 29 Be It Enacted by the Legislature of the State of Florida:

Page 1 of 8

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15-00570A-15

2015558__

30
 31 Section 1. Paragraphs (a) and (g) of subsection (2) and
 32 paragraph (c) of subsection (3) of section 509.032, Florida
 33 Statutes, are amended to read:
 34 509.032 Duties.—
 35 (2) INSPECTION OF PREMISES.—
 36 (a) The division has jurisdiction and is responsible for
 37 all inspections required by this chapter. The division is
 38 responsible for quality assurance. The division shall inspect
 39 each licensed public lodging establishment at least biannually,
 40 except for transient and nontransient apartments, which shall be
 41 inspected at least annually. Each establishment licensed by the
 42 division shall be inspected at such other times as the division
 43 determines is necessary to ensure the public's health, safety,
 44 and welfare. The division shall, ~~by no later than July 1, 2014,~~
 45 adopt by rule a risk-based inspection frequency for each
 46 licensed public food service establishment. The rule must
 47 require at least one, but not more than four, routine
 48 inspections that must be performed annually, and may include
 49 guidelines that consider the inspection and compliance history
 50 of a public food service establishment, the type of food and
 51 food preparation, and the type of service. The division shall
 52 ~~annually~~ reassess the inspection frequency of all licensed
 53 public food service establishments at least annually. Public
 54 lodging units classified as vacation rentals or timeshare
 55 projects are not subject to this requirement but shall be made
 56 available to the division upon request. If, during the
 57 inspection of a public lodging establishment classified for
 58 renting to transient or nontransient tenants, an inspector

Page 2 of 8

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15-00570A-15

2015558__

59 identifies vulnerable adults who appear to be victims of
 60 neglect, as defined in s. 415.102, or, in the case of a building
 61 that is not equipped with automatic sprinkler systems, tenants
 62 or clients who may be unable to self-preserve in an emergency,
 63 the division shall convene meetings with the following agencies
 64 as appropriate to the individual situation: the Department of
 65 Health, the Department of Elderly Affairs, the area agency on
 66 aging, the local fire marshal, the landlord and affected tenants
 67 and clients, and other relevant organizations, to develop a plan
 68 that improves the prospects for safety of affected residents
 69 and, if necessary, identifies alternative living arrangements
 70 such as facilities licensed under part II of chapter 400 or
 71 under chapter 429.

72 (g) In inspecting public food service establishments, the
 73 department shall notify ~~provide~~ each inspected establishment of
 74 the availability of ~~with~~ the food-recovery brochure developed
 75 under s. 595.420.

76 (3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD SERVICE
 77 EVENTS.—The division shall:

78 (c) Administer a public notification process for temporary
 79 food service events and distribute educational materials that
 80 address safe food storage, preparation, and service procedures.

81 1. Sponsors of temporary food service events shall notify
 82 the division not less than 3 days before the scheduled event of
 83 the type of food service proposed, the time and location of the
 84 event, a complete list of food service vendors participating in
 85 the event, the number of individual food service facilities each
 86 vendor will operate at the event, and the identification number
 87 of each food service vendor's current license as a public food

Page 3 of 8

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15-00570A-15

2015558__

88 service establishment or temporary food service event licensee.
 89 Notification may be completed orally, by telephone, in person,
 90 or in writing. A public food service establishment or food
 91 service vendor may not use this notification process to
 92 circumvent the license requirements of this chapter.

93 2. The division shall keep a record of all notifications
 94 received for proposed temporary food service events and shall
 95 provide appropriate educational materials to the event sponsors
 96 and notify the event sponsors of the availability of, ~~including~~
 97 the food-recovery brochure developed under s. 595.420.

98 3.a. A public food service establishment or other food
 99 service vendor must obtain one of the following classes of
 100 license from the division: an individual license, for a fee of
 101 no more than \$105, for each temporary food service event in
 102 which it participates; or an annual license, for a fee of no
 103 more than \$1,000, that entitles the licensee to participate in
 104 an unlimited number of food service events during the license
 105 period. The division shall establish license fees, by rule, and
 106 may limit the number of food service facilities a licensee may
 107 operate at a particular temporary food service event under a
 108 single license.

109 b. Public food service establishments holding current
 110 licenses from the division may operate under the regulations of
 111 such a license at temporary food service events ~~of 3 days or~~
 112 ~~less in duration.~~

113 Section 2. Section 509.091, Florida Statutes, is amended to
 114 read:

115 509.091 Notices; form and service.—

116 (1) Each notice served by the division pursuant to this

Page 4 of 8

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15-00570A-15

2015558__

117 chapter must be in writing and must be delivered personally by
 118 an agent of the division or by registered letter to the operator
 119 of the public lodging establishment or public food service
 120 establishment. If the operator refuses to accept service or
 121 evades service or the agent is otherwise unable to effect
 122 service after due diligence, the division may post such notice
 123 in a conspicuous place at the establishment.

124 (2) Notwithstanding subsection (1), the division may
 125 deliver lodging inspection reports and food service inspection
 126 reports to the operator of the public lodging establishment or
 127 public food service establishment by electronic means.

128 Section 3. Subsection (1) of section 509.101, Florida
 129 Statutes, is amended to read:

130 509.101 Establishment rules; posting of notice; food
 131 service inspection report; maintenance of guest register; mobile
 132 food dispensing vehicle registry.—

133 (1) Any operator of a public lodging establishment or a
 134 public food service establishment may establish reasonable rules
 135 and regulations for the management of the establishment and its
 136 guests and employees; and each guest or employee staying,
 137 sojourning, eating, or employed in the establishment shall
 138 conform to and abide by such rules and regulations so long as
 139 the guest or employee remains in or at the establishment. Such
 140 rules and regulations shall be deemed to be a special contract
 141 between the operator and each guest or employee using the
 142 services or facilities of the operator. Such rules and
 143 regulations shall control the liabilities, responsibilities, and
 144 obligations of all parties. Any rules or regulations established
 145 pursuant to this section shall be printed in the English

Page 5 of 8

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15-00570A-15

2015558__

146 language and posted in a prominent place within such public
 147 lodging establishment or public food service establishment. In
 148 addition, any operator of a public food service establishment
 149 shall maintain a copy of the latest food service inspection
 150 report ~~or a duplicate copy on premises~~ and shall make it
 151 available to the division at the time of any division inspection
 152 of the establishment and to the public, upon request.

153 Section 4. Subsections (1) and (2) of section 509.251,
 154 Florida Statutes, are amended to read:

155 509.251 License fees.—

156 (1) The division shall adopt, by rule, a schedule of fees
 157 to be paid by each public lodging establishment as a
 158 prerequisite to issuance or renewal of a license. Such fees
 159 shall be based on the number of rental units in the
 160 establishment. The aggregate fee per establishment charged any
 161 public lodging establishment ~~may~~ shall not exceed \$1,000;
 162 however, the fees described in paragraphs (a) and (b) may not be
 163 included as part of the aggregate fee subject to this cap.
 164 Vacation rental units or timeshare projects within separate
 165 buildings or at separate locations but managed by one licensed
 166 agent may be combined in a single license application, and the
 167 division shall charge a license fee as if all units in the
 168 application are in a single licensed establishment. The fee
 169 schedule shall require an establishment which applies for an
 170 initial license to pay the full license fee if application is
 171 made during the annual renewal period or more than 6 months
 172 ~~before~~ before ~~prior to~~ the next such renewal period and one-half of the
 173 fee if application is made 6 months or less ~~before~~ before ~~prior to~~ such
 174 period. The fee schedule shall include fees collected for the

Page 6 of 8

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15-00570A-15

2015558__

175 purpose of funding the Hospitality Education Program, pursuant
 176 to s. 509.302, which are payable in full for each application
 177 regardless of when the application is submitted.

178 (a) Upon making initial application or an application for
 179 change of ownership, the applicant shall pay to the division a
 180 fee as prescribed by rule, not to exceed \$50, in addition to any
 181 other fees required by law, which shall cover all costs
 182 associated with initiating regulation of the establishment.

183 (b) A license renewal filed with the division ~~within 30~~
 184 ~~days~~ after the expiration date shall be accompanied by a
 185 delinquent fee as prescribed by rule, not to exceed \$50, in
 186 addition to the renewal fee and any other fees required by law.
 187 ~~A license renewal filed with the division more than 30 but not~~
 188 ~~more than 60 days after the expiration date shall be accompanied~~
 189 ~~by a delinquent fee as prescribed by rule, not to exceed \$100,~~
 190 ~~in addition to the renewal fee and any other fees required by~~
 191 ~~law.~~

192 (2) The division shall adopt, by rule, a schedule of fees
 193 to be paid by each public food service establishment as a
 194 prerequisite to issuance or renewal of a license. The fee
 195 schedule shall prescribe a basic fee and additional fees based
 196 on seating capacity and services offered. The aggregate fee per
 197 establishment charged any public food service establishment may
 198 not exceed \$400; however, the fees described in paragraphs (a)
 199 and (b) may not be included as part of the aggregate fee subject
 200 to this cap. The fee schedule shall require an establishment
 201 which applies for an initial license to pay the full license fee
 202 if application is made during the annual renewal period or more
 203 than 6 months before ~~prior to~~ the next such renewal period and

Page 7 of 8

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15-00570A-15

2015558__

204 one-half of the fee if application is made 6 months or less
 205 before ~~prior to~~ such period. The fee schedule shall include fees
 206 collected for the purpose of funding the Hospitality Education
 207 Program, pursuant to s. 509.302, which are payable in full for
 208 each application regardless of when the application is
 209 submitted.

210 (a) Upon making initial application or an application for
 211 change of ownership, the applicant shall pay to the division a
 212 fee as prescribed by rule, not to exceed \$50, in addition to any
 213 other fees required by law, which shall cover all costs
 214 associated with initiating regulation of the establishment.

215 (b) A license renewal filed with the division ~~within 30~~
 216 ~~days~~ after the expiration date shall be accompanied by a
 217 delinquent fee as prescribed by rule, not to exceed \$50, in
 218 addition to the renewal fee and any other fees required by law.
 219 ~~A license renewal filed with the division more than 30 but not~~
 220 ~~more than 60 days after the expiration date shall be accompanied~~
 221 ~~by a delinquent fee as prescribed by rule, not to exceed \$100,~~
 222 ~~in addition to the renewal fee and any other fees required by~~
 223 ~~law.~~

224 Section 5. This act shall take effect July 1, 2015.

Page 8 of 8

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/17/15 Meeting Date

558 Bill Number (if applicable)

Topic Hotels & Restaurants

Amendment Barcode (if applicable)

Name DAVID MICA, Jr

Job Title Deputy Dir Office of Legislative Affairs

Address Street Phone

City State Zip Email

Speaking: [X] For [] Against [] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing Dept. of Business & Professional Regulation

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

Lobbyist registered with Legislature: [X] 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)

3/17/2015

Meeting Date

SB 558

Bill Number (if applicable)

Topic SB 554 - Relating to Public Lodging And Public Food Service Establishments

Amendment Barcode (if applicable)

Name Andy Palmer

Job Title Lobbyist

Address 215 S. Monroe Street | Suite 505

Phone (850) 205-9000

Street

Tallahassee

Florida

32301

City

State

Zip

Email andy.palmer@metzlaw.com

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing Florida Restaurant & Lodging 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.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Higher Education, *Chair*
Appropriations Subcommittee on Education
Fiscal Policy
Judiciary
Military and Veterans Affairs, Space, and Domestic
Security
Regulated Industries

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR KELLI STARGEL
15th District

March 8, 2015

The Honorable Alan Hays
Senate Appropriations Subcommittee on General Government, Chair
320 Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399

Dear Chair Hays:

I am respectfully requesting that SB 558, related to *Public Lodging and Food Service*, be placed on the next committee agenda.

Thank you for your consideration and please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kelli Stargel".

Kelli Stargel
State Senator, District 15

Cc: Jamie DeLoach/ Staff Director
Lisa Waddell/ AA

REPLY TO:

- 2033 East Edgewood Drive, Suite 1, Lakeland, Florida 33803
- 324 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5015

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

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: PCS/CS/SB 608 (138190)

INTRODUCER: Appropriations Subcommittee on General Government; Regulated Industries Committee;
and Senator Stargel

SUBJECT: Real Estate Brokers and Appraisers

DATE: March 17, 2015 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>DeLoach</u>	<u>AGG</u>	<u>Recommend: Fav/CS</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 608 authorizes the Florida Real Estate Commission (commission) within the Department of Business and Professional Regulation (department) to adopt rules to permit a real estate brokerage to register a broker on a temporary, emergency basis if a sole broker of a brokerage dies or is unexpectedly unable to remain a broker.

The bill clarifies the exemption to post-licensure education and the education course requirements applies to persons who have received a four year degree, or higher, in real estate from an accredited institution of higher education.

The bill authorizes the commission to reinstate a license that has become void if the commission determines that the individual failed to comply because of illness or economic hardship, as defined by rule.

The bill specifies the work file documentation that appraisers and registered appraisal management companies must retain and requires that the appraiser's work file must meet the standards of the Appraisal Standards Board of the Appraisal Foundation, as established by rule of the Florida Real Estate Appraisal Board (board) within the department. The bill deletes the prohibition that the department cannot inspect or copy the records of an appraisal management company except in connection with a pending investigation or complaint.

The bill deletes the requirement of a written agreement between Florida and other states for the reciprocal licensing of out-of-state appraisers.

The bill has no fiscal impact.

The bill provides a July 1, 2015 effective date.

II. Present Situation:

The regulation of real estate brokers is overseen by the Florida Real Estate Commission (commission) within the Division of Real Estate in the Department of Business and Professional Regulation (department). The commission administers and enforces the provisions of part I of ch. 475, F.S.

The regulation of the real estate appraisers is overseen by the Florida Real Estate Appraisal Board (board) within the department. The board administers and enforces the provisions of part II of ch. 475, F.S.

Real Estate Brokers - Qualifications

Section 475.17(1), F.S., sets forth the qualifications for practice for a real estate broker.

Specifically, an applicant must:

- Be a natural person of at least eighteen years of age;
- Hold a high school diploma or its equivalent;
- Be honest, truthful, trustworthy, of good character, and have a good reputation for fair dealing; and
- Be competent and qualified to make real estate transactions and conduct negotiations.

In addition to the requirements provided in s. 475.17(1)(a), F.S., the applicant must also hold an active real estate sales associate license for a specified period of time,¹ complete a pre-licensing course,² pass the Florida Real Estate Brokers' Examination,³ and participate in post-licensure education.⁴

The commission may require licensees to meet a post-licensure education requirement in order to maintain a valid sales associate's license. The post-licensure education requirement may not exceed 45 classroom hours of 50 minutes each, inclusive of examination, prior to the first renewal following initial licensure. The post-licensure education requirement may consist of one or more commission-approved courses which total at least 45 classroom hours on one or more subjects which include, but are not limited to, property management, appraisal, real estate finance, the economics of real estate management, marketing, technology, sales and listing of properties, business office management, courses teaching practical real estate application skills, development of business plans, marketing of property, and time management. The required post-licensure education courses must be provided by an accredited college, university, or community

¹ Section 475.17(2)(b), F.S.

² Section 475.17(2)(a), F.S.

³ Section 475.175, F.S.

⁴ Section 475.17(3)(a), F.S.

college, by a career center, by a registered real estate school, or by a commission-approved sponsor.⁵

Section 475.17(6), F.S., provides an exemption to the post-licensure education and the education course requirements for an applicant or licensee who has received a four year degree in real estate from an accredited institution of higher education.

Section 475.15, F.S., requires that a partnership, limited liability partnership, limited liability company, or corporation that acts as a broker must register with the commission and renew the licenses or registrations of its members, officers, and directors for each license period. For a limited partnership, only the general partners must be licensed brokers or registered brokerage corporations. The registration of a corporation, limited liability company, limited liability partnership, or partnership is canceled automatically during the period of time the entity does not have at least one broker who has an active license or registration.

Real Estate Brokers - Inactive License

Section 475.183, F.S., provides for the activation of licenses that have become voluntarily or involuntarily inactive. Licenses that have been involuntarily inactive for more than two years automatically expire, and become null and void without any further action by the commission or department. The department is required to give notice to the licensee 90 days prior to expiration of the license. The commission must by rule impose a fee not to exceed \$100 for the late renewal of an involuntarily inactive license.⁶ The commission adopted a \$50 late fee.⁷

The Appraisal Subcommittee

The Appraisal Subcommittee (ASC)⁸ of the Federal Financial Institutions Examination Council was created in 1989, pursuant to Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA).⁹ The Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (Dodd-Frank Act) amended several sections of Title 11 of FIRREA.

The ASC is the federal agency charged with oversight of the states' appraisal regulatory programs.¹⁰ It is responsible for monitoring and reviewing the activities of the Appraisal Foundation and its three boards.¹¹ The ASC oversees Florida's appraiser regulatory program.

The ASC has six members, designated by the heads of the following agencies:

- Board of Governors of the Federal Reserve System (FRB);
- Federal Deposit Insurance Corporation (FDIC);

⁵ *Id.*

⁶ Section 475.183(2)(b), F.S.

⁷ Rule 61J2-1.011(5)(c), L.O.F.

⁸ For information about the Appraisal Subcommittee (ASC): <https://www.asc.gov/About-the-ASC/ASCHistory.aspx> (last visited on February 26, 2015). *See also* s. 475.611(1)(b), F.S.

⁹ *See, generally*: 12 U.S.C. s. 3331-3351.

¹⁰ 12 U.S.C. s. 3332(a).

¹¹ 12 U.S.C. s. 3332(b).

- Office of the Comptroller of the Currency (OCC);
- Office of Thrift Supervision (OTS);
- National Credit Union Administration (NCUA); and
- Department of Housing and Urban Development (HUD).¹²

On September 22, 1997, the ASC adopted the most recent version of the Policy Statements Regarding State Certification and Licensing of Real Estate Appraisers. These policy statements are intended to “assist the States in the continuing development and maintenance of appropriate organizational and regulatory structures for certifying, licensing and supervising real estate appraisers.”¹³

The ASC conducts biennial on-site reviews of each state’s appraisal agency, with more frequent visits to states with weak enforcement programs. The ASC has the ability to disapprove a state’s appraisal regulatory program, which effectively disqualifies that state’s appraisers from conducting appraisals for federally-related transactions.¹⁴ A “federally-related transaction” is any real estate-related financial transaction which: 1) a federal financial institution’s regulatory agency or the Resolution Trust Corporation engages in, contracts for, or regulates; and 2) requires the services of an appraiser.¹⁵ An appraiser must be listed on the National Registry to be eligible to perform appraisals in connection with federally related transactions, which would include mortgage transactions.

The Appraisal Foundation

The Appraisal Foundation (TAF)¹⁶ of the Federal Financial Institutions Examination Council is a private, non-profit educational organization that was formed in 1987 to promote professionalism in the valuation industry. The TAF is governed by a Board of Trustees, which oversees three independent boards:

- The Appraisal Standards Board (ASB), which establishes the generally-accepted standards of the profession, known as the Uniform Standards of Professional Appraisal Practice (USPAP);
- The Appraiser Qualifications Board (AQB), which establishes the minimum education, experience, and examination qualifications for appraisers; and
- The Appraisal Practices Board (APB), which is responsible for developing best practices and providing voluntary guidance to professionals.¹⁷

Real Estate Appraisers

Real estate appraisers in Florida are regulated by the Florida Real Estate Appraisal Board (board) within the Division of Real Estate in the department, which administers and enforces the provisions of part II of ch. 475, F.S. The board is authorized to:

- Regulate the issuance of licenses, certifications, registrations, and permits;

¹² 12 C.F.R. 1102.303(b).

¹³ *Supra*, note 8.

¹⁴ *See*, generally: 12 U.S.C. s. 3347 and 12 C.F.R. 1102 Subpart B.

¹⁵ 12 U.S.C. s. 3350(4).

¹⁶ For information about the Appraisal Foundation, *see* <https://netforum.avectra.com/eWeb/DynamicPage.aspx?Site=TAF> (last visited March 2, 2015).

¹⁷ *Id.*

- Discipline appraisers;
- Establish qualifications for licenses, certifications, registrations, and permits;
- Regulate approved education courses;
- Establish standards for real estate appraisers; and
- Establish standards for and regulate supervisory appraisers.

The board's headquarters is located in Orlando, Florida.

Section 475.611(1), F.S., defines the term "appraisal" or "appraisal services" to mean:

the services provided by certified or licensed appraisers or registered trainee appraisers, and includes:

1. "Appraisal assignment" denotes an engagement for which a person is employed or retained to act, or could be perceived by third parties or the public as acting, as an agent or a disinterested third party in rendering an unbiased analysis, opinion, review, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real property.
2. "Analysis assignment" denotes appraisal services that relate to the employer's or client's individual needs or investment objectives and includes specialized marketing, financing, and feasibility studies as well as analyses, opinions, and conclusions given in connection with activities such as real estate brokerage, mortgage banking, real estate counseling, or real estate consulting.
3. "Appraisal review assignment" denotes an engagement for which an appraiser is employed or retained to develop and communicate an opinion about the quality of another appraiser's appraisal, appraisal report, or work. An appraisal review may or may not contain the reviewing appraiser's opinion of value.

Real Appraiser License Classifications

Section 475.611(1)(u), F.S., defines the term "supervisory appraiser" to mean:

a certified residential appraiser,¹⁸ or a certified general appraiser¹⁹ responsible for the direct supervision of one or more registered trainee appraisers and fully responsible for appraisals and appraisal reports prepared by those registered trainee appraisers.

Section 475.611(1)(q), F.S., defines the term "licensed appraiser" to mean "a person who is licensed by the department as qualified to issue appraisal reports for residential real property of

¹⁸ Section 475.611(1)(l), F.S., defines the term "certified residential appraiser" to mean "a person who is certified by the department as qualified to issue appraisal reports for residential real property of one to four residential units, without regard to transaction value or complexity, or real property as may be authorized by federal regulation."

¹⁹ Section 475.611(1)(k), F.S., defines the term "certified general appraiser" to mean "a person who is certified by the department as qualified to issue appraisal reports for any type of real property."

one to four residential units or on such real estate or real property as may be authorized by federal regulation.

Section 475.611(1)(q), F.S., also prohibits, as of July 1, 2003, the department from issuing licenses for the category of licensed appraiser.

Section 475.611(1)(r), F.S., defines the term “registered trainee appraiser” to mean:

a person who is registered with the department as qualified to perform appraisal services only under the direct supervision of a licensed or certified appraiser. A registered trainee appraiser may accept appraisal assignments only from her or his primary or secondary supervisory appraiser.

According to the department, there are remaining licensed appraisers, but the number continues to decline. According to the department, the ASC does not permit licensed appraisers to supervise trainee appraisers.

Real Estate Appraisers Qualifications

Section 475.615, F.S., provides the qualifications for registration or certification of appraisers, as outlined by the Real Property Appraiser Qualification Criteria of the AQB. In December 2011, the AQB adopted the latest version of the Real Property Appraiser Qualification Criteria with an effective date of January 1, 2015.²⁰ An appraiser applicant must be competent to handle appraisals with safety to those with whom they may undertake a relationship of trust and confidence. If an applicant has been denied a prior registration or certification application, or has had a license, registration, or certification revoked or suspended in any jurisdiction, the applicant is deemed not to be qualified. The board may grant the application if, because of lapse of time and subsequent good conduct and reputation, or other reason deemed sufficient, it appears to the board that the interest of the public is not likely to be endangered by the granting of registration or certification.

Real Estate Appraisers – Retention of Records

Section 475.629, F.S., requires that registered, licensed, or certified appraisers and registered appraisal management companies must retain, for five years or the period specified in the Uniform Standards of Professional Appraisal Practice (USPAP),²¹ whichever is greater, original or true copies of any contracts engaging the appraiser's or appraisal management company's services, appraisal reports, and supporting data assembled and formulated by the appraiser or company in preparing appraisal reports or engaging in appraisal management services. The retention period runs from the date of the submission of the appraisal report to the client, unless otherwise specified in the USPAP.

²⁰ A copy of the AQB's *Real Property Appraiser Qualification Criteria* is available at: <https://netforum.avectra.com/eweb/DynamicPage.aspx?Site=taf&WebCode=RPCriteria> (last visited February 25, 2015).

²¹ Uniform Standards of Professional Appraisal Practice also specifies a five-year records retention period. A copy of the Uniform Standards of Professional Appraisal Practice may be found at <https://netforum.avectra.com/eweb/DynamicPage.aspx?Site=TAF&WebCode=USPAP> (last visited February 25, 2015).

The appraiser or appraisal management company must make the records available for inspection or copying by the department upon reasonable notice to the appraiser or company. The department may not inspect or copy the records of an appraisal management company except in connection with a pending investigation or complaint. If an appraisal has been the subject of or has served as evidence for litigation, reports and records must be retained for at least two years after the trial or the period specified in the USPAP, whichever is greater.

The USPAP requires that a work file of an appraiser must be established and must include:

- The name of the client and the identity, by name or type, of any other intended users;
- True copies of any written reports, documented on any type of media. (A true copy is a replica of the report transmitted to the client. A photocopy or an electronic copy of the entire report transmitted to the client satisfies that requirement of a true copy.);
- Summaries of all oral reports or testimony, or a transcript of testimony, including the appraiser's signed and dated certification;
- All other data, information, and documentation necessary to support the appraiser's opinions and calculations and to show compliance with USPAP, or reference to the location(s) of such other documentation; and
- A work file in support of a Restricted Appraisal Report must be sufficient for the appraiser to produce an Appraisal Report.

Real Estate Appraisers – Nonresident Licenses and Certifications

Section 475.631, F.S., authorizes the board to enter into written agreements with other states, territories or jurisdictions of the United States that have similar appraiser licensing requirements as Florida to ensure that Florida residents have the same opportunity to become licensed in those states that is afforded to their residents in Florida. If the board determines that other jurisdictions' requirements do not offer nonresident licensure or certification to Florida-certified appraisers that are substantially comparable to those afforded to certified appraisers or licensees of that jurisdiction, the board must require that certified appraisers or licensees of that jurisdiction who apply for nonresident certification meet the education, experience, and examination requirements substantially comparable to those required by that jurisdiction with respect to Florida-certified appraisers who seek nonresident licensure or certification.

Effective July 1, 2013, F.S., the FIRREA requires states to have in place a policy for issuing a reciprocity certification or license to an appraiser from another state. The state's reciprocity provision must meet the following conditions:

1. The appraiser licensing and certification program of the other State is in compliance with the provisions of FIRREA Title XI; and
2. The appraiser holds a valid certification from a State with requirements for certification or licensing that meet or exceed the certification and licensure standards established by the State where an individual seeks reciprocity.²²

²² 12 U.S.C. s. 3350(4); and Appraisal Subcommittee Policy 6.

The FIRREA does not require written agreements between states.

Section 475.631(2)(a), F.S., provides that any resident state-certified appraiser who becomes a nonresident must, within 60 days, notify the board of the change in residency and comply with nonresident requirements. Failure to notify and comply is a violation of the license law, subject to the penalties in s. 475.624, F.S.

Section 475.631(2)(b), F.S., authorizes the board to adopt rules for the regulation of nonresident certified appraisers and licensees. The board's rule permits out-of-state certified residential and certified general appraisers to become certified in Florida based upon their education, experience, and national exam grades from other states. Out-of-state appraisers are only required to complete a 40-question Florida supplemental exam on Florida's laws.²³

III. Effect of Proposed Changes:

Real Estate Brokers - Qualifications

The bill amends s. 475.15, F.S., to require the Florida Real Estate Commission (commission) to adopt rules that allow a brokerage to register a broker on a temporary, emergency basis if a sole broker of a brokerage dies or is unexpectedly unable to remain a broker.

The bill amends s. 475.17(6), F.S., to allow the current exemption to the post-licensure education and the education course requirements apply to persons who hold a degree in real estate greater than a four year degree, such as a Master's or Doctorate Degree.

Real Estate Brokers - Inactive License

The bill creates s. 475.183(4), F.S., to authorize the commission to reinstate a license that has become void if the commission determines the individual failed to comply because of illness or economic hardship, as defined by rule. To reactivate the license, the individual must apply to the commission for reinstatement within six months after the date that the license became void. An individual whose license is reinstated must meet all continuing education requirements prescribed by law, pay appropriate licensing fees, and otherwise be eligible for renewal of licensure.

Real Estate Appraisers

The bill amends ss. 475.611(1)(r) and 475.612(5), F.S., to delete the term "licensed" appraiser to provide that it is a certified appraiser that has direct supervision over the registered trainee appraiser.

The bill amends s. 475.621(2), F.S., to provide that the Department of Business and Professional Regulation (department) must transmit the annual fee that is collected from persons who perform or seek to perform appraisals in federally related transactions to the Appraisal Subcommittee

²³ Rule 61J1-3.004, F.A.C.

(ASC) of the Federal Financial Institutions Examinations Council instead of to the Federal Financial Institutions Examinations Council.

Real Estate Appraisers – Retention of Records

The bill clarifies several records retention requirements for appraisers and appraisal management companies to align Florida's retention requirements with federal requirements. Specifically, the bill amends s. 475.629, F.S., to specify the documents an appraiser or an appraisal management company must retain. The bill requires that each appraiser or appraisal management company prepare and retain a work file for each appraisal, appraisal review, or appraisal consulting agreement. The work file must be maintained for at least five years, or for a greater period if specified by the Uniform Standards of Professional Appraiser Practice.

The retained work file must contain:

- Original or true copies of any contracts engaging the appraiser or appraisal management company's services;
- Appraisal reports;
- Supporting data assembled and formulated by the appraiser or company in preparing appraisal reports or engaging in appraisal management services; and
- All other data, information, and documentation required by the standards for the development or communication of a real estate appraisal as approved and adopted by the Appraisal Standards Board of the Appraisal Foundation, as established by rule of the board.

Additionally, the bill requires that, in accordance with administrative rules adopted by the board, an appraisal management company must also retain:

- company accounts,
- correspondence,
- memoranda,
- papers,
- books, and
- other records.

The bill amends s. 475.6295, F.S., to allow authorized agents and employees of the department to inspect appraisal management companies in addition to the other licensees under ch. 475, F.S.

The bill also amends s. 475.629, F.S., to delete the prohibition that the department cannot inspect or copy the records of an appraisal management company except in connection with a pending investigation or complaint.

There are pending federal rules that impose these requirements on appraisal management companies.²⁴ The proposed language will ensure that Florida is in compliance with federal law.²⁵ Failure to comply with the requirements of federal law could result in sanctions that could prohibit appraisers licensed in Florida from conducting federally related appraisal transactions.²⁶

²⁴ Department of Business and Professional Regulation, 2015 Agency Legislative Bill Analysis: SB 608 (February 26, 2015).

²⁵ *Id.*

²⁶ *Id.*

Real Appraiser License Classifications

The bill repeals the reciprocity provisions of s. 473.631(1), F.S., requiring written agreements between Florida and other states. Beginning July 1, 2013, the Dodd-Frank Act requires appraiser licensure reciprocity between states.²⁷ Therefore, the department allows out-of-state certified residential and certified general appraisers to become certified in Florida based upon his or her education, experience, and national exam grades from other states.²⁸ According to the department, out-of-state licensees who wish to become licensed in Florida must complete a 40-question Florida supplemental exam on Florida specific appraisal laws.²⁹ The requirement that a written agreement be established between states is no longer permitted based on federal law changes.³⁰

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:

PCS/CS/SB 608, according to the Department of Business and Professional Regulation, requires minimal information technology system changes related to process applications, track licenses, complaints and legal proceedings. These programming expenditures can be absorbed with existing resources.³¹

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 475.15, 475.17, 475.183, 475.611, 475.612, 475.621, 475.629, 475.6295, and 475.631.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS/CS by Appropriations Subcommittee on General Government on March 17, 2015:

The committee substitute deletes duplicative language relating to the Florida Real Estate Commission’s discretion to reinstate a license that has become void under certain circumstances.

CS by Regulated Industries Committee on March 4, 2015:

- Deletes the term “licensed” appraiser in regards to provide that it is a certified appraiser that has direct supervision over the registered trainee appraiser.
- Provides that the department must transmit the annual fee that the department must collect from persons who perform or seek to perform appraisers in federally related transactions to the appraisal subcommittee instead of to the Federal Financial Institutions Examinations Council.
- Requires the appraiser’s work file contain all other data, information, and documentation required by the standards for the development or communication of a real estate appraisal as approved and adopted by the Appraisal Standards Board of The Appraisal Foundation, as established by rule of the board.

- B. **Amendments:**

None.



632958

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2015	.	
	.	
	.	
	.	

Appropriations Subcommittee on General Government (Simpson)
recommended the following:

Senate Amendment

Delete line 65

and insert:

(4) The commission may reinstate the

By the Committee on Regulated Industries; and Senator Stargel

580-01941-15

2015608c1

1 A bill to be entitled
 2 An act relating to real estate brokers and appraisers;
 3 amending s. 475.15, F.S.; requiring the Florida Real
 4 Estate Commission to adopt certain rules pertaining to
 5 broker registration on a temporary, emergency basis;
 6 amending s. 475.17, F.S.; clarifying education
 7 requirements that apply for postlicensure and initial
 8 real estate licensure; amending s. 475.183, F.S.;

9 providing that the commission may reinstate the
 10 license of an individual in certain circumstances;
 11 amending s. 475.611, F.S.; revising the supervision
 12 requirements for registered trainee appraisers;
 13 amending s. 475.612, F.S.; revising the supervision
 14 requirements for select graduate students; amending s.
 15 475.621, F.S.; providing that the department shall
 16 collect annual fees set by and transmitted to the
 17 appraisal subcommittee; amending s. 475.629, F.S.;

18 requiring an appraiser to prepare and retain a work
 19 file in certain circumstances; requiring the work file
 20 to be retained for a specified period; requiring the
 21 work file to contain certain documents; requiring
 22 appraisal management companies to retain certain
 23 items; removing the prohibition that the Department of
 24 Business and Professional Regulation may not inspect
 25 or copy the records except in certain circumstances;
 26 amending s. 475.6295, F.S.; providing that duly
 27 authorized agents and employees of the department may
 28 inspect an appraisal management company at all
 29 reasonable hours; amending s. 475.631, F.S.; removing

Page 1 of 7

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

580-01941-15

2015608c1

30 the board's authority to enter into written agreements
 31 with similar licensing or certification authorities;
 32 providing an effective date.
 33

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

35

36 Section 1. Section 475.15, Florida Statutes, is amended to
 37 read:

38 475.15 Registration and licensing of general partners,
 39 members, officers, and directors of a firm.—Each partnership,
 40 limited liability partnership, limited liability company, or
 41 corporation which acts as a broker shall register with the
 42 commission and shall renew the licenses or registrations of its
 43 members, officers, and directors for each license period.
 44 However, if the partnership is a limited partnership, only the
 45 general partners must be licensed brokers or brokerage
 46 corporations registered pursuant to this part. If the license or
 47 registration of at least one active broker member is not in
 48 force, the registration of a corporation, limited liability
 49 company, limited liability partnership, or partnership is
 50 canceled automatically during that period of time. The
 51 commission shall adopt rules that allow a brokerage to register
 52 a broker on a temporary, emergency basis if a sole broker of a
 53 brokerage dies or is unexpectedly unable to remain a broker.

54 Section 2. Subsection (6) of section 475.17, Florida
 55 Statutes, is amended to read:

56 475.17 Qualifications for practice.—

57 (6) The postlicensure education requirements of this
 58 section, and the education course requirements for one to become

Page 2 of 7

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

580-01941-15

2015608c1

59 initially licensed, do not apply to any applicant or licensee
60 who has received a 4-year degree, or higher, in real estate from
61 an accredited institution of higher education.

62 Section 3. Subsection (4) is added to section 475.183,
63 Florida Statutes, to read:

64 475.183 Inactive status.—

65 (4) The commission may, at its discretion, reinstate the
66 license of an individual whose license has become void if the
67 commission determines that the individual failed to comply
68 because of illness or economic hardship, as defined by rule. The
69 individual must apply to the commission for reinstatement within
70 6 months after the date that the license becomes void. Such
71 individual must meet all continuing education requirements
72 prescribed by law, pay appropriate licensing fees, and otherwise
73 be eligible for renewal of licensure under this section.

74 Section 4. Paragraph (r) of subsection (1) of section
75 475.611, Florida Statutes, is amended to read:

76 475.611 Definitions.—

77 (1) As used in this part, the term:

78 (r) "Registered trainee appraiser" means a person who is
79 registered with the department as qualified to perform appraisal
80 services only under the direct supervision of a ~~licensed or~~
81 certified appraiser. A registered trainee appraiser may accept
82 appraisal assignments only from her or his primary or secondary
83 supervisory appraiser.

84 Section 5. Subsection (5) of section 475.612, Florida
85 Statutes, is amended to read:

86 475.612 Certification, licensure, or registration
87 required.—

580-01941-15

2015608c1

88 (5) This section does not apply to any full-time graduate
89 student who is enrolled in a degree program in appraising at a
90 college or university in this state, if the student is acting
91 under the direct supervision of a certified ~~or licensed~~
92 appraiser and is engaged only in appraisal activities related to
93 the approved degree program. Any appraisal report by the student
94 must be issued in the name of the supervising individual who is
95 responsible for the report's content.

96 Section 6. Subsection (2) of section 475.621, Florida
97 Statutes, is amended to read:

98 475.621 Registry of licensed and certified appraisers.—

99 (2) The department shall collect from such individuals who
100 perform or seek to perform appraisals in federally related
101 transactions, an annual fee as set by, and transmitted to, the
102 appraisal subcommittee ~~to be transmitted to the Federal~~
103 ~~Financial Institutions Examinations Council on an annual basis.~~

104 Section 7. Section 475.629, Florida Statutes, is amended to
105 read:

106 475.629 Retention of records.—An appraiser registered,
107 licensed, or certified under this part or an appraisal
108 management company registered under this part shall prepare and
109 retain a work file for each appraisal, appraisal review, or
110 appraisal consulting assignment. This work file shall be
111 retained, for 5 years or the period specified in the Uniform
112 Standards of Professional Appraisal Practice, whichever is
113 greater. ~~The work file shall contain,~~ original or true copies of
114 any contracts engaging the appraiser's or appraisal management
115 company's services, appraisal reports, and supporting data
116 assembled and formulated by the appraiser or company in

580-01941-15

2015608c1

117 preparing appraisal reports or engaging in appraisal management
 118 services and all other data, information, and documentation
 119 required by the standards for the development or communication
 120 of a real estate appraisal as approved and adopted by the
 121 Appraisal Standards Board of The Appraisal Foundation, as
 122 established by rule of the board. Except as otherwise specified
 123 in the Uniform Standards of Professional Appraisal Practice, the
 124 period for retention of the records applicable to each
 125 engagement of the services of the appraiser or appraisal
 126 management company runs from the date of the submission of the
 127 appraisal report to the client. Appraisal management companies
 128 shall also retain the company accounts, correspondence,
 129 memoranda, papers, books, and other records in accordance with
 130 administrative rules adopted by the board. These records must be
 131 made available by the appraiser or appraisal management company
 132 for inspection and copying by the department upon reasonable
 133 notice to the appraiser or company. ~~However, the department may~~
 134 ~~not inspect or copy the records of an appraisal management~~
 135 ~~company except in connection with a pending investigation or~~
 136 ~~complaint.~~ If an appraisal has been the subject of or has served
 137 as evidence for litigation, reports and records must be retained
 138 for at least 2 years after the trial or the period specified in
 139 the Uniform Standards of Professional Appraisal Practice,
 140 whichever is greater.

141 Section 8. Section 475.6295, Florida Statutes, is amended
 142 to read:

143 475.6295 Authority to inspect.—Duly authorized agents and
 144 employees of the department shall have the power to inspect in a
 145 lawful manner at all reasonable hours any appraisal management

Page 5 of 7

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580-01941-15

2015608c1

146 company, appraiser or appraisal office certified, registered, or
 147 licensed under this chapter, for the purpose of determining if
 148 any of the provisions of this chapter, chapter 455, or any rule
 149 promulgated under authority of either chapter is being violated.

150 Section 9. Section 475.631, Florida Statutes, is amended to
 151 read:

152 475.631 Nonresident licenses and certifications.—

153 ~~(1) Notwithstanding the requirements for certification set~~
 154 ~~forth in ss. 475.615 and 475.616, the board may enter into~~
 155 ~~written agreements with similar licensing or certification~~
 156 ~~authorities of other states, territories, or jurisdictions of~~
 157 ~~the United States to ensure for state certified appraisers~~
 158 ~~nonresident licensure or certification opportunities comparable~~
 159 ~~to those afforded to nonresidents by this section. Whenever the~~
 160 ~~board determines that another jurisdiction does not offer~~
 161 ~~nonresident licensure or certification to state-certified~~
 162 ~~appraisers substantially comparable to those afforded to~~
 163 ~~certified appraisers or licensees of that jurisdiction by this~~
 164 ~~section, the board shall require certified appraisers or~~
 165 ~~licensees of that jurisdiction who apply for nonresident~~
 166 ~~certification to meet education, experience, and examination~~
 167 ~~requirements substantially comparable to those required by that~~
 168 ~~jurisdiction with respect to state-certified appraisers who seek~~
 169 ~~nonresident licensure or certification, not to exceed such~~
 170 ~~requirements as are prescribed in ss. 475.615 and 475.616.~~

171 (1)(2)(a) Any resident state-certified appraiser who
 172 becomes a nonresident shall, within 60 days, notify the board of
 173 the change in residency and comply with nonresident
 174 requirements. Failure to notify and comply is a violation of the

Page 6 of 7

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580-01941-15

2015608c1

175 license law, subject to the penalties in s. 475.624.

176 (2) ~~(b)~~ All nonresident applicants, certified appraisers,
177 and licensees shall comply with all requirements of board rules
178 and this part. The board may adopt rules pursuant to ss.
179 120.536(1) and 120.54 necessary for the regulation of
180 nonresident certified appraisers and licensees.

181 Section 10. This act shall take effect July 1, 2015.

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/17/15

Meeting Date

608

Bill Number (if applicable)

Topic Real Estate Brokers

Amendment Barcode (if applicable)

Name DAVID MICA, Jr.

Job Title Deputy Dir. Office of Leg. Affairs

Address Street

Phone

City

State

Zip

Email

Speaking: [X] For [] Against [] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing Department of Business & Professional Regulation

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

Lobbyist registered with Legislature: [X] 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

Tallahassee, Florida 32399-1100

COMMITTEES:

Higher Education, *Chair*
Appropriations Subcommittee on Education
Fiscal Policy
Judiciary
Military and Veterans Affairs, Space, and Domestic
Security
Regulated Industries

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR KELLI STARGEL

15th District

March 5, 2015

The Honorable Alan Hays
Senate Appropriations Subcommittee on General Government, Chair
320 Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399

Dear Chair Hays:

I am respectfully requesting that SB 608, related to *Real Estate Brokers and Appraisers*, be placed on the next committee agenda.

Thank you for your consideration and please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Kelli Stargel".

Kelli Stargel
State Senator, District 15

Cc: Jamie DeLoach/ Staff Director
Lisa Waddell/ AA

REPLY TO:

- 2033 East Edgewood Drive, Suite 1, Lakeland, Florida 33803
- 324 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5015

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

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 694

INTRODUCER: Senator Ring

SUBJECT: Florida State Employees' Charitable Campaign

DATE: March 16, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	Favorable
2.	<u>Davis</u>	<u>DeLoach</u>	<u>AGG</u>	Recommend: Favorable
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 694 allows state officers and employees to donate to the Florida State Employees' Charitable Campaign (FSECC) at agency fundraising events without designating specific organizations to receive the funds. The bill provides that the FSECC's fiscal agent must distribute these "undesigned" funds to participating charitable organizations in direct proportion to the percentage of designated funds or pledges received by the organization.

The bill removes additional eligibility requirements for independent unaffiliated agencies, international service agencies, and national agencies wanting to participate in the FSECC. In addition, the bill removes the statutory requirement to establish a local steering committee in each fiscal agent area.

The bill has no fiscal impact.

The bill provides an effective date of July 1, 2015.

II. Present Situation:

The FSECC, maintained by the Department of Management Services (DMS), is the annual charitable drive funded by state employees.¹ State officers and employees may voluntarily donate moneys, including payroll deductions, to nonprofit charitable organizations participating in the FSECC.²

¹ Section 110.181(1)(a), F.S.

² Section 110.181(1)(b), F.S.

The FSECC Prior to 2012

Prior to 2012, state law did not require state officers and employees who contributed to the FSECC to designate a specific participating charitable organization to receive the donation. The method of distributing undesignated funds to participating charities required a separate application process. Local steering committees were established to direct the allocation of funds that were not otherwise designated to a specific charitable organization. According to the DMS, this method for distributing “undesignated” funds was administratively complex and inefficient.³

The FSECC Presently

Section 110.181, F.S., was amended in 2012 to eliminate the ability of state officers and employees to contribute funds without designating a specific organization as the recipient. Beginning July 1, 2012, state officers and employees are required to designate a specific participating charitable organization to receive such contributions.⁴ No funds could be contributed unless the recipient organization has been designated. As a result, the process to distribute “undesignated” funds is no longer necessary.⁵

Requiring state officers and employees to designate a specific charitable organization as the recipient was expected to reduce litigation and state staff time involved in the process used to allocate “undesignated” funds.⁶ However, the DMS now believes that many of the efficiencies gained by this “designation” requirement have been replaced by the need to develop new processes to collect designated funds at agency FSECC fundraising events. At FSECC fundraising events, employees must designate a specific charitable organization as the recipient by filling out a separate form and contribute a minimum donation of five dollars in order to offset the administrative costs of processing the donation.⁷ Since many agency FSECC fundraising events are intended to accommodate the collection of small, one-time contributions, the DMS has determined it is not cost effective to individually track and process these designations.⁸

The DMS is authorized to allow participation in the FSECC by various local, state, national and international charitable organizations. By administrative rule, each charitable organization must submit an application demonstrating it meets statutory requirements. However, the law creates differing eligibility criteria depending upon the type of organizations (e.g. independent unaffiliated agency⁹, international service agency¹⁰ and national agency¹¹). According to the DMS, these additional eligibility requirements add to the level of complexity involved in

³ Department of Management Services, *Senate Bill 694 Agency Analysis* (Feb. 10, 2015) (on file with the Senate Committee on Governmental Oversight and Accountability).

⁴ *Id.*

⁵ See Ch. 2012-215, s. 9, Laws of Fla.

⁶ Florida House of Representatives, *CS/CS/CS/CS/HB 1261 Final Bill Analysis* (May 11, 2012).

⁷ Rule 60L-39.009, F.A.C.

⁸ DMS Analysis, *supra* note 3.

⁹ Section 110.181(1)(d), F.S.

¹⁰ Section 110.181(1)(e), F.S.

¹¹ Section 110.181(1)(f), F.S.

reviewing applications submitted by potential participating charities, resulting in increased costs associated with administering the FSECC.¹²

Current law also requires the creation of local steering committees composed of state employees in each fiscal agent area to assist in conducting the campaign.¹³ While the original role of the local steering committee was to determine how “undesigned” funds raised for the FSECC were distributed, the current statutory role is limited to assisting the fiscal agent in conducting the campaign.¹⁴

III. Effect of Proposed Changes:

This bill allows state officers and employees to contribute undesigned funds to the FSECC at agency fundraising events. The bill amends s. 110.181(2)(d), F.S., to specify that undesigned funds are to be distributed among the charitable organizations in direct proportion to the percentage of the designated funds pledged to those organizations. For example, if a charitable organization receives 15 percent of the designated funds to the FSECC, that charity will receive 15 percent of the undesigned funds.

The bill also deletes the additional eligibility requirements for independent unaffiliated agencies, international service agencies, and national agencies.

This bill deletes the requirement that local steering committees be created to assist the fiscal agent in conducting the FSECC.

The effective date of the bill is July 1, 2015.

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.

¹² DMS Analysis, *supra* note 3.

¹³ Section 110.181(2)(d), F.S.

¹⁴ DMS Analysis, *supra* note 3.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Under SB 694, the DMS may incur lower administrative costs associated with the FSECC.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 110.181 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Ring

29-00940-15

2015694__

1 A bill to be entitled
 2 An act relating to the Florida State Employees'
 3 Charitable Campaign; amending s. 110.181, F.S.;
 4 providing an exception to the requirement that state
 5 officers and employees designate a charitable
 6 organization to receive their contributions from the
 7 Florida State Employees' Charitable Campaign; deleting
 8 requirements for independent unaffiliated agencies,
 9 international service agencies, and national agencies;
 10 requiring the fiscal agent selected by the Department
 11 of Management Services to distribute undesignated
 12 funds in a specified manner; deleting the requirement
 13 that a local steering committee be established in each
 14 fiscal agent area; providing an effective date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 Section 1. Subsections (1) and (2) of section 110.181,
 19 Florida Statutes, are amended to read:

20 110.181 Florida State Employees' Charitable Campaign.—

21 (1) CREATION AND ORGANIZATION OF CAMPAIGN.—

22 (a) The Department of Management Services shall establish
 23 and maintain, in coordination with the payroll system of the
 24 Department of Financial Services, an annual Florida State
 25 Employees' Charitable Campaign. Except as provided in subsection
 26 (5), this annual fundraising drive is the only authorized
 27 charitable fundraising drive directed toward state employees
 28 within work areas during work hours, and for which the state
 29 will provide payroll deduction.

Page 1 of 4

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29-00940-15

2015694__

30 (b) State officers' and employees' contributions toward the
 31 Florida State Employees' Charitable Campaign must be entirely
 32 voluntary. State officers and employees ~~shall~~ must designate a
 33 charitable organization to receive ~~their such~~ contributions
 34 unless such contributions are collected as part of a campaign
 35 event.

36 (c) Participation in the annual Florida State Employees'
 37 Charitable Campaign ~~is~~ must be limited to any nonprofit
 38 charitable organization ~~that~~ which has as its principal mission:

- 39 1. Public health and welfare;
- 40 2. Education;
- 41 3. Environmental restoration and conservation;
- 42 4. Civil and human rights; or
- 43 5. ~~Any nonprofit charitable organization engaged in~~ The
 44 relief of human suffering and poverty.

45 ~~(d) An independent unaffiliated agency must be a statewide~~
 46 ~~entity whose programs provide substantial, direct, hands-on~~
 47 ~~services that meet basic human or environmental needs and extend~~
 48 ~~throughout the year and throughout the state.~~

49 ~~(e) An international service agency must have well-defined~~
 50 ~~programs that meet basic human or environmental needs outside~~
 51 ~~the United States with no duplication of existing programs.~~

52 ~~(f) A national agency must demonstrate, through a well-~~
 53 ~~defined program, direct services meeting basic human or~~
 54 ~~environmental needs which are readily available, being~~
 55 ~~administered, or providing a substantial direct benefit to the~~
 56 ~~residents of this state.~~

57 (d)(g) The financial records of a Any nonprofit charitable
 58 organization participating in the Florida State Employees'

Page 2 of 4

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29-00940-15

2015694__

59 Charitable Campaign must be ~~have its financial records~~ audited
60 annually by an independent public accountant whose examination
61 conforms to generally accepted accounting principles.

62 ~~(e)(h)~~ Organizations ineligible to participate in the
63 Florida State Employees' Charitable Campaign include, but are
64 not limited to, the following:

65 1. Organizations whose fundraising and administrative
66 expenses exceed 25 percent, unless extraordinary circumstances
67 can be demonstrated.

68 2. Organizations whose activities contain an element that
69 is more than incidentally political in nature or whose
70 activities are primarily political, religious, professional, or
71 fraternal in nature.

72 3. Organizations that ~~which~~ discriminate against any
73 individual or group on account of race, color, religion, sex,
74 national origin, age, handicap, or political affiliation.

75 4. Organizations not properly registered as a charitable
76 organization as required by the Solicitation of Contributions
77 Act, ss. 496.401-496.424.

78 5. Organizations that ~~which~~ have not received tax-exempt
79 status under s. 501(c)(3) ~~of the~~, Internal Revenue Code.

80 (2) SELECTION OF FISCAL AGENTS; COST.—

81 (a) The Department of Management Services shall select
82 through the competitive procurement process a fiscal agent or
83 agents to receive, account for, and distribute charitable
84 contributions among participating charitable organizations.

85 (b) The fiscal agent shall withhold the reasonable costs
86 for conducting the campaign and for accounting and distribution
87 to the participating organizations and shall reimburse the

29-00940-15

2015694__

88 department the actual cost for coordinating the campaign in
89 accordance with the rules of the department. In any fiscal year
90 ~~that in which~~ the Legislature specifically appropriates to the
91 department its total costs for coordinating the campaign from
92 the General Revenue Fund, the fiscal agent is not required to
93 reimburse such costs to the department under this subsection.
94 Otherwise, reimbursement will be the difference between actual
95 costs and the amount appropriated.

96 (c) The fiscal agent shall furnish the department and
97 participating charitable organizations a report of the
98 accounting and distribution activities. Records relating to
99 these activities must ~~shall~~ be open for inspection upon
100 reasonable notice and request.

101 (d) The fiscal agent shall distribute undesignated funds to
102 each participating organization in direct proportion to the
103 percentage of designated funds pledged to the organization ~~A~~
104 ~~local steering committee shall be established in each fiscal~~
105 ~~agent area to assist in conducting the campaign. The committee~~
106 ~~shall be composed of state employees selected by the fiscal~~
107 ~~agent from among recommendations provided by interested~~
108 ~~participating organizations, if any, and approved by the~~
109 ~~Statewide Steering Committee.~~

110 Section 2. This act shall take effect July 1, 2015.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-17-15

Meeting Date

694

Bill Number (if applicable)

Topic Florida State Employee Charitable Campaign

Amendment Barcode (if applicable)

Name Cody Schwarz

Job Title Deputy Director

Address 4050 Esplanade Way

Phone 850-694-3399

Street

Tallahassee FL 32399

City

State

Zip

Email Cody.Schwarz@DMS.my
Florida.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Department of Management Services

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

Committee Agenda Request

To: Senator Alan Hays
Senate Committee on General Government Appropriations

Subject: Committee Agenda Request

Date: March 6, 2015

I respectfully request that **Senate Bill # 694**, relating to Florida State Employees Charitable Campaign, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in cursive script that reads "Jeremy Ring".

Senator Jeremy Ring
Florida Senate, District 29

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: PCS/SB 1050 (437900)

INTRODUCER: Appropriations Subcommittee on General Government and Senator Montford

SUBJECT: Department of Agriculture and Consumer Services

DATE: March 17, 2015 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhavein</u>	<u>Becker</u>	<u>AG</u>	Favorable
2.	<u>Blizzard</u>	<u>DeLoach</u>	<u>AGG</u>	Recommend: Fav/CS
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 1050 addresses issues relating to agriculture and certain powers and duties of the Department of Agriculture and Consumer Services (department). The bill:

- Changes the deadline to submit a recertification application for the limited certification for urban landscape commercial fertilizer application, and eliminates the \$50 per month late charge for late recertification.
- Adds a definition for “vehicle” in ch. 500, F.S., in order to be consistent with the federal Food Safety Modernization Act, and adds definitions for the words “retail” and “wholesale” to clarify the types of food permits the department issues.
- Authorizes the department to sponsor “events,” in addition to breakfasts, luncheons, or dinners, in order to promote agriculture and agricultural business products.
- Authorizes the department to acquire, secure, enjoy, use, enforce, and dispose of all patents, trademarks, copyrights, and other rights or similar interests.
- Authorizes the department to use money deposited in the Pest Control Trust Fund to carry out any of the powers of the Division of Agricultural Environmental Services.
- Authorizes the Commissioner of Agriculture to create an Office of Agriculture Technology Services.
- Authorizes the department to provide staff and meeting space for the Florida Agricultural Center and Horse Park Authority.
- Clarifies the intent of the “Fresh From Florida” marketing brand in order to avoid the misconception that the brand is indicative of inspection for food safety purposes.

- Eliminates the department's power to adopt rules related to negotiating and entering into contracts with advertising agencies, purchasing requirements are covered by Department of Management Services' policies and procedures.
- Changes the membership requirements for the Florida Agricultural Promotional Campaign Advisory Council so that a specific number of people from a particular industry are not required.
- Removes the requirement that the department notify a property owner that a plant infested or infected with plant pests or noxious weeds has been found on their property if the plant is infested with pests or noxious weeds that are determined to be widely established in Florida. This change deletes the requirement that the owner must destroy or remove the plant within 10 days.
- Eliminates the Florida Forest Service's power to dedicate its land for use by the public as a park. Florida Forest Service lands do not include any state parks, and the Florida Forest Service does not manage any of its land for park purposes.
- Adds definitions for "school breakfast program," "summer nutrition program," and "universal school breakfast program" to specify that they are programs which are authorized by federal law.
- Replaces every instance of the term "school district" with "district school board in s. 595.404, F.S., relating to the School Nutrition Program."
- Creates a duty to provide to a "severe need school" the highest rate of reimbursement to which it is entitled under the federal school breakfast program.
- Renames the "Florida Farm Fresh Schools Program" to the "Florida Farm to School Program."
- Eliminates the need for dealers in agricultural products to provide a letter, accompanying a certificate of deposit, from the issuing institution acknowledging that the assignment has been properly recorded on the books of the issuing institution and will be honored by the issuing institution.
- Eliminates the requirement that each grain dealer report monthly to the department the value of grain it received from producers for which the producers have not received payment.
- Requires the Board of Trustees of the Internal Improvement Trust Fund to deed certain property to the department. The department is directed to sell a portion of the property and develop a plan to expend the proceeds at the Bronson Animal Disease Diagnostic Laboratory in Osceola County.

The bill has an insignificant impact on state revenues and expenditures.

The bill is effective July 1, 2015.

II. Present Situation:

This section typically describes the present situation and the bill's impact on each. See Section III. for a section-by-section analysis of the bill's provisions.

Limited Certification for Urban Landscape Commercial Fertilizer Application

Section 482.1562, F.S., outlines the application requirements to receive a Limited Commercial Fertilizer Certification. Renewals are required every four years. For those who hold a limited

license, recertification applications must be submitted 90-days prior to expiration of the current license. If the renewal application is not received 60 days prior to the expiration date, a late fee of \$50 is assessed in addition to the \$25 renewal fee. In order to renew a Limited Commercial Fertilizer Certificate, the cost may be as much as \$75. A new license is \$25. The bill removes the late fee and allow certificate holders 30 days to renew their licenses. This process is consistent with other certifications under ch. 482, F.S.

Powers and Duties of the Department of Agriculture and Consumer Services

The Department of Agriculture and Consumer Services (department) is empowered by the Legislature to stimulate, encourage, and foster the production and consumption of agricultural and agricultural business products by sponsoring trade breakfasts, luncheons, and dinners that will assist in the promotion and marketing of Florida's agricultural products to the consuming public. Section 570.07(20)(c), F.S., is somewhat limiting because it only refers to trade breakfasts, luncheons, and dinners for possible sponsorship opportunities. Adding the word "events" ensures that the department is covered by the types of sponsorships it will be able to provide so that it may continue to stimulate, encourage, and foster the production and consumption of agricultural and agricultural business products.

Currently, the department does not have enforcement capabilities regarding the misuse of the "Fresh From Florida" logo. The bill gives the department the same authority as the Department of Citrus, state universities, and others to enforce the trademarks and copyrights it obtains on behalf of the state. This language clarifies the authority of the department with regard to its ability to obtain and enforce rights in intellectual property created and utilized by the department. This authority is needed to ensure, as the "Fresh From Florida" mark becomes more popular, that the department can take immediate action to stop its misuse. Without this authority, valuable time could be lost by having to educate the Department of State, the agency currently holding this responsibility for the state, about the consequences of the misuse of the "Fresh From Florida" mark. The direct enforcement capability by the department will result in faster and more cost effective enforcement.

Currently, the Division of Administration is responsible for "providing electronic data processing and management information systems support for the department." The Office of Agriculture Technology Services proposes to establish the office as a stand-alone office under the supervision of a senior manager within ch. 570, F.S. This change paves the way for continued implementation of the department's information technology strategic plan.

Pest Control Trust Fund

Section 482.2401, F.S. restricts the use of funds to carry out the provisions of ch. 482, F.S. This prevents resources funded in ch. 482, F.S., from being used to conduct work for other programs, which is problematic when functions across programs are combined within a work unit, such as licensing or inspections. Prior to the reorganization of the Division of Agriculture Environmental Services (AES), the work units were separate for each statutory area. The re-organization streamlined these units. The bill authorizes the department to use money deposited in the Pest Control Trust Fund to carry out any of the powers of the Division of Agricultural Environmental Services (set forth in s. 570.44, F.S.), not just the Structural Pest Control Act (ch. 482, F.S.). The

powers of the Division of Agricultural and Environmental Services include state mosquito control program coordination; agricultural pesticide registration, testing and regulation; and feed, seed, and fertilizer production inspection and testing. This authorization expires June 30, 2018.

Division of Food Safety

Section 570.50(5), F.S., authorizes the Division of Food Safety to analyze food and animal feed samples for chemical residues as required under the adulteration sections of ch. 500 and ch. 580, F.S. The primary effect of the proposed change is to fully characterize the current actions of the Division of Food Safety in analyzing food, milk, milk products, frozen desserts, and animal feed products for any potential adulterant or substance that might be harmful to humans or animals. Along with potential chemical adulterants, there is concern with microbiological and physical adulteration of food or feed products. The department already performs these activities as a service to the Divisions of Agriculture Environmental Services and Animal Industry, as well as part of the Food and Drug Administration's (FDA) surveillance activities, and in reaction to animal feed outbreaks. By adding a reference to ch. 502, F.S., to the current statute and striking the reference to chemical residues, the department is able to fully encompass the activities performed in the Division of Food Safety laboratories.

Division of Marketing and Development

Currently, Agriculture Dealer's licenses are issued through the Division of Marketing. For efficiency purposes, the bill moves the duties associated with issuing Agriculture Dealer's Licenses to the Division of Consumer Services, which already has the same duties for several other licenses. The Division of Marketing also is currently tasked with regulating livestock markets. The bill tasks responsibility of regulating livestock markets to the department rather than to a specific division.

Florida Agricultural Promotional Campaign Advisory Council

Section 571.28, F.S., creates the membership of the Florida Agricultural Promotional Campaign Advisory Council. The membership must include six members representing agricultural producers, shippers, or packers; three members representing agricultural retailers; two members representing agricultural associations; one member representing a wholesaler of agricultural products; one member representing consumers; and one member representing the department. The bill allows members to be selected without regard for a specific number from each category of business, but rather an overall representation of the major business components important to the business of agriculture.

Notice of Infection of Plants and Destruction

Section 581.181, F.S., does not allow for discretion in determining when it is necessary to take immediate action to remove and destroy a noxious, infested or infected plant or plant product. The bill gives the department flexibility to determine if it is necessary to invoke procedures for immediate action for the cause of removal and destruction of a noxious plant, non-noxious plant, or plant product infested or infected with a pest or disease. For example, noxious plants, plant pests, or plant diseases that are well-established in Florida and are not under a department

eradication or control program may not justify requiring immediate action to eliminate or otherwise mitigate.

School Food and Nutrition Service Program

The National School Lunch Program (NSLP) is a federally funded program that assists schools and other agencies in providing nutritious meals to children at reasonable prices. In addition to financial assistance, the NSLP provides donated commodity foods to help reduce lunch program costs.

Chapter 595, F.S., authorizes the department to coordinate with the federal government to use federal and state funding to provide school nutrition programs. The Legislature declared that it is the policy of the state to provide standards for school food and nutrition services and to require each school district to establish and maintain an appropriate school food and nutrition service program consistent with the nutritional needs of students.

Schools must apply through the department and complete certain requirements prior to the operation of a school nutrition program. Once approved, the department reimburses the schools for each lunch and breakfast meal served provided they meet established state and federal regulations.

Chapter 595, F.S., does not contain definitions for “school breakfast program,” “summer nutrition program,” or “universal school breakfast program.” The bill adds these definitions to specify that they are the programs authorized by federal law. The department administers more than one United States Department of Agriculture summer nutrition program. The bill amends the definition of “summer nutrition programs” to specify that certain requirements apply to all summer nutrition programs.

Currently, the department must make a reasonable effort to ensure that any school designated as a “severe need school” receives the highest rate of reimbursement to which it is entitled under the federal school breakfast program for each breakfast meal served. Further, the department may advance funds from the school nutrition program’s annual appropriation to sponsors in order to implement the school nutrition program. There is no restriction on when or for which program the funds may be advanced. The bill clarifies that the department does not just make efforts to, but actually ensures through its processes and procedures that all eligible severe need schools receive the higher rate of reimbursement. This change will have no economic or substantive effect on any interest groups or stakeholders and will remove ambiguities from the statute that could potentially result in misinterpretation and misapplication of the law. The bill also clarifies that the department will only advance funds when requested by sponsors of the Summer Food Service Program.

Florida Farm to Schools Program

Section 595.406, F.S., provides for implementation of the Florida Farm Fresh Schools Program. The program was instituted in 2010 to require the Florida Department of Education to work with the department to increase the presence of Florida-grown products into schools. When the administration of the school nutrition programs was transferred to the department, this program

became part of the Florida Farm to School Program, which was already being administered by the department. The bill replaces all references to the “Florida Farm Fresh Schools Program” with the “Florida Farm to School Program.” This allows for consistent messaging and marketing around the department’s efforts as stated in the statute. Further changes will allow the department to recognize those sponsors who have purchased 10 percent of the food they serve from the Florida Farm to School Program.

Children’s Summer Nutrition Program

Section 595.407, F.S., requires all school districts to develop a plan to sponsor a summer nutrition program to operate within five miles of at least one elementary school where 50 percent or more of the students are eligible for free or reduced prices meals for 35 consecutive days, and also within 10 miles of each elementary school where 50 percent or more of the students are eligible for free or reduced-price meals. The bill specifies that each school district must provide a summer nutrition program within five miles of at least one school that serves any combination of grades K-5, not just elementary schools. This provision attempts to close a loophole where some K-8 or K-12 schools claimed they were not elementary schools, and therefore, did not have to comply. According to the department, interpretation of this statute has varied greatly. This change may require district school boards to adjust the location or increase the number of summer nutrition program sites they operate.

The bill remove the requirement that each school district provide reduced-price school meals during the summer for 35 consecutive days and replaces it with the requirement that each school district provide reduced-price school meals during the summer for 35 days between the end of one school year and the beginning of the next. This allows school districts to exclude holidays and weekends.

Financial Assurance Requirements for Dealers in Agricultural Products and Grain Dealers

Currently, any agricultural dealer who is engaged within this state in the business of purchasing, receiving, or soliciting agricultural products from the producer or the producer’s agent or representative is required to obtain a bond or certificate of deposit (CD), as required in s. 604.20(1) F.S. If a CD is the chosen form of security, the dealer is required to furnish the department the CD or a CD receipt, a bank’s acknowledgement letter and an assignment of CD. The bill eliminates the need to provide a letter, accompanying a certificate of deposit, from the issuing institution acknowledging that the assignment has been properly recorded on the books of the issuing institution and will be honored by the issuing institution. This requirement is unnecessary because issuance of the certificate of deposit is acknowledgement that the agreement has been properly recorded.

Each grain dealer must report to the department monthly the value of grain it received from producers for which the producers have not received payment. This report must include a statement showing the type and amount of security maintained to cover the grain dealer’s liability to producers. The bill eliminates the requirement that each grain dealer report monthly to the department, as only three of the four licensed dealers are required to do so. The dealers will continue to be licensed and bonded which allows the department to request information from dealers in the event of a complaint or suspected malpractice.

Bronson Animal Disease Diagnostic Laboratory The Division of Animal Industry is responsible for enforcing animal health regulations in Florida and protecting the state from animal pests and diseases. Section 585.61, F.S., establishes the Bronson Animal Disease Diagnostic Laboratory (lab) located in Osceola County. The lab complex is located on property deeded to the Board of Trustees of the Internal Improvement Trust Fund.

III. Effect of Proposed Changes:

Section 1 amends s. 482.1562, F.S., to change the deadline for submitting a recertification application for a current limited certification for urban landscape commercial fertilizer application. The bill requires the application to be submitted four years after the date of issuance and eliminates the \$50 per month late charge for late recertification.

Section 2 amends s. 500.03, F.S., to include a definition for the word “vehicle” in order to be consistent with the federal Food Safety Modernization Act. It also adds definitions for the words “retail” and “wholesale” to clarify the types of food permits that the department issues.

Section 3 amends s. 570.07, F.S., to authorize the department to sponsor “events,” in addition to trade breakfasts, luncheons, and dinners, to promote agriculture and agricultural business products. It also authorizes the department to secure letters of patent, copyrights, and trademarks on any work product of the department and accordingly to enforce its rights.

Section 4 amends s. 570.30, F.S., to remove electronic data processing and management information systems support as a duty for the Department of Agriculture and Consumer Services’ (department) Division of Administration.

Section 5 amends s. 570.441, F.S., to authorize the department to use money deposited in the Pest Control Trust Fund to carry out any of the powers and duties of the Division of Agricultural Environmental Services. This subsection expires June 30, 2018.

Section 6 amends s. 570.50, F.S., to fully characterize the current functions of the Division of Food Safety in analyzing food, milk, milk products, frozen desserts, and animal feed products for any potential adulterant or substance that might be harmful to humans or animals. Along with potential chemical adulterants, concerns exist with microbiological and physical adulteration of food or feed products. These are activities that the division already performs for other divisions, as well as part of FDA surveillance activities, and in reaction to animal feed outbreaks. By adding a reference to ch. 502, F.S., the department will be able to fully encompass the activities performed in the Division of Food Safety’s labs.

Section 7 amends s. 570.53, F.S., to remove enforcement of provisions relating to dealers in agricultural products from the duties of the Division of Marketing and Development. The Division of Marketing is currently tasked with regulating livestock markets.

Section 8 amends s. 570.544, F.S., to move issuance of Agriculture Dealer’s Licenses from the Division of Marketing and Development to the Division of Consumer Services, which already

issues several other licenses. It also requires the department, rather than a specific division, to regulate Live Stock Markets

Section 9 creates s. 570.68, F.S., to create the Office of Agriculture Technology Services to provide electronic data processing and agency information technology services to the department.

Section 10 amends s. 570.681, F.S., to clarify legislative findings with regard to the Florida Agriculture Center and Horse Park.

Section 11 amends s. 570.685, F.S., to authorize the department to provide staff and meeting space for the Florida Agriculture Center and Horse Park Authority.

Section 12 amends s. 571.24, F.S., to clarify the intent of the Florida Agricultural Promotional Campaign as a marketing program. It removes an obsolete provision relating to the designation of a division employee as a member of the Advertising Interagency Coordinating Council.

Section 13 amends s. 571.27, F.S., to remove obsolete provisions relating to the department's authority to adopt rules related to negotiating and entering into contracts with advertising agencies for services that are directly related to the Florida Agricultural Promotional Campaign.

Section 14 amends s. 571.28, F.S., to change the membership criteria for the Florida Agricultural Promotional Campaign Advisory Council, so that a specific number of people from a particular industry are not required.

Section 15 amends s. 581.181, F.S., to remove the requirement that the department notify a property owner that a plant infested or infected with plant pests or noxious weeds has been found on their property if the plant is infested with pests or noxious weeds that are determined to be widely established in Florida. With this change, the owner will not be required to destroy or remove the plant within 10 days.

Section 16 repeals s. 589.26, F.S., to eliminate the Florida Forest Service's power to dedicate its land for use by the public as a park. The bill repeals this section because the Florida Forest Service does not acquire or have lands for "park purposes." The department acquires forest land for multi-use purposes.

Section 17 amends s. 595.402, F.S., to add definitions for "school breakfast program," "summer nutrition program," and "universal school breakfast program" to specify that these programs are authorized by federal law.

Section 18 amends s. 595.404, F.S., to clarify requirements for the School Nutrition Program. The bill creates a duty for each school district to provide to a "severe need school" the highest rate of reimbursement to which it is entitled under the federal school breakfast program for each breakfast meal served. It specifies that funds from the school nutrition program may only be advanced to the sponsors of Summer Food Service Programs. The bill also requires the department to collect and publish data on food purchased by sponsors through the Florida Farm to School Program and other school food and nutrition service programs.

Section 19 amends s. 595.405, to replace every instance of the term “school district” with “district school board.” It rewrites the provisions of this section, which specifies that each school district is encouraged to provide universal, free school breakfast meals to all students in each elementary, middle, and high school. The bill also provides criteria for when a universal school breakfast program must be provided. The reorganizing of the section combines several subsections and removes conflicting and duplicative clauses, so that the section is easier to read, interpret, and apply.

Section 20 amends s. 595.406, F.S., to change the name of the “Florida Farm Fresh Schools Program” to the “Florida Farm to School Program.” The bill authorizes the department to recognize sponsors who purchase at least ten percent of the food they serve from the Florida Farm to School Program.

Section 21 amends s. 595.407, F.S., to specify that each school district must provide a summer nutrition program within five miles of at least one school that serves any combination of grades kindergarten through 5, not just elementary schools. The bill removes the requirement that each school district provide reduced-price school meals during the summer for 35 consecutive days and replaces it with the requirement that each school district provide reduced-price school meals during the summer for 35 days between the end of one school year and the beginning of the next. School districts may exclude holidays and weekends.

Section 22 amends s. 595.408, F.S., to change every instance of the word “commodity” to “food” to be consistent with the federal statutes.

Section 23 amends s. 595.501, F.S., to require sponsors to complete corrective action plans, required by the department or a federal agency, so that they are in compliance with school food and nutrition service programs. This amendment removes the requirements for corrective action plans from s. 595.405, F.S., and place them within this section.

Section 24 amends s. 595.601, F.S., to correct a cross-reference.

Section 25 amends s. 604.20, F.S., to remove a provision requiring an applicant for license as a dealer in agricultural products to submit a letter acknowledging assignment of a certificate of deposit from the issuing institution.

Section 26 amends s. 604.33, F.S., to remove provisions requiring grain dealers to submit monthly reports. The bill authorizes rather than requires the department to make at least one spot check annually of each grain dealer.

Section 27 directs the Board of Trustees of the Internal Improvement Trust Fund to deed certain property located in Osceola County to the department on or before December 31, 2015. The department is directed to sell a portion of the property for no less than appraised value and deposit the proceeds into the General Inspection Trust Fund. The bill requires the department to develop a plan to expend the proceeds for facility repair and construction at the Bronson Animal Disease Diagnostic Laboratory and requires the plan to be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2015.

Section 28 provides that this act shall take effect July 1, 2015.

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:

See Private Sector Impact Section.

B. Private Sector Impact:

PCS/SB 1050 eliminates the \$50 late fee for limited certification for urban landscape commercial fertilizer application. This may have a positive impact on persons who apply commercial fertilizer by eliminating a fee.

The bill eliminates certain financial assurance and licensing requirements for dealers in agricultural products and for grain dealers. This may have a positive impact on those professions by eliminating the filing requirements.

The bill creates an exemption from the destruction requirement for plant or plant products infested with pests or noxious weeds that are widely established in Florida and not regulated by the Department of Agriculture and Consumer Services (department). This may have a positive impact on those who own the plant or plant products infested with pests or noxious weeds by not requiring the owners to destroy them.

C. Government Sector Impact:

Eliminating the \$50 late fee for a limited certification for urban landscape commercial fertilizer application appears to have an insignificant negative impact on state government revenues. The fee was first established by ch. 2009-199, Laws of Florida. Beginning January 1, 2014, any person applying commercial fertilizer to an urban landscape is required to be certified. The certification is good for four years from the date of issuance; therefore, no late fees have been assessed.

The bill has an insignificant impact associated with the creation of s. 570.68, F.S., which creates the Office of Agriculture Technology Services, under the supervision of a senior management class employee. Currently, the Chief Information Officer within the department is a retiree of the state retirement system who has been reemployed and is not eligible to participate in a state administered retirement system. The state contributes a set amount to the state retirement account for employees ineligible to earn a second retirement. The current retirement contribution rate for an ineligible employee in a regular class is 3.80%; the contribution rate for an ineligible employee in a senior management class is 16.30%. Changing the department's current Chief Information Officer to a senior management class will result in an additional annual state retirement contribution of \$11,795 from general revenue. The department will manage the additional costs within existing salary and benefit resources.

The bill directs the department to sell a portion of property in Osceola County and deposit the proceeds into the General Inspection Trust Fund. Subject to appropriation from the Legislature, the department is required to expend the proceeds for facility repairs and construction at the Bronson Animal Disease Diagnostic Laboratory located in Osceola County. The proceeds from the sale of the property are indeterminate. The department estimates expenditures related to the lab repairs and construction will be offset by the revenues received from the sale of the property.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 288.1175, 482.1562, 500.03, 570.07, 570.30, 570.441, 570.50, 570.53, 570.544, 570.681, 570.685, 571.24, 571.27, 571.28, 581.181, 595.402, 595.404, 595.405, 595.406, 595.407, 595.408, 595.501, 595.601, 604.20, and 604.33.

This bill creates section 570.68 of the Florida Statutes.

This bill repeals section 589.26 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS by Appropriations Subcommittee on General Government on March 17, 2015:

The committee substitute:

- Restores provisions requiring the Department of Agriculture and Consumer Services to give certain priority consideration when evaluating agriculture education and promotion facilities.
- Directs the Board of Trustees of the Internal Improvement Trust Fund to deed certain property located in Osceola County to the department by December 31, 2015.
- Requires the department to sell a portion of the property and develop a plan to expend the proceeds from the sale for repairs and construction of an agricultural diagnostic laboratory.

B. Amendments:

None.



606928

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2015	.	
	.	
	.	
	.	

Appropriations Subcommittee on General Government (Hays)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 107 - 144.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 3 - 7

and insert:

Consumer Services; amending s. 482.1562, F.S.;



557136

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/17/2015	.	
	.	
	.	
	.	

Appropriations Subcommittee on General Government (Simpson)
recommended the following:

Senate Amendment (with title amendment)

Between lines 218 and 219

insert:

Section 5. Section 570.158, Florida Statutes, is created to
read:

570.158 Designation.—The department shall designate the
Pompano Farmers Market as the Edward L. Myrick State Farmers
Market for the purpose of honoring Mr. Edward L. Myrick, a
veteran of the United States Army and a pillar in the



557136

11 agricultural community of Pompano Beach. In 1939, Mr. Edward L.
12 Myrick played a leading role in the establishment of the market
13 and continues to serve such a role today by making fresh
14 agricultural produce available to the community at large.

15
16 ===== T I T L E A M E N D M E N T =====

17 And the title is amended as follows:

18 Delete line 19

19 and insert:

20 and to engage in acts accordingly; creating s.
21 570.158, F.S.; designating the Pompano Farmers Market
22 as the Edward L. Myrick State Farmers Market; amending
23 s. 570.30,



104186

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2015	.	
	.	
	.	
	.	

Appropriations Subcommittee on General Government (Simpson)
recommended the following:

Senate Amendment (with title amendment)

Between lines 682 and 683

insert:

Section 28. The Board of Trustees of the Internal
Improvement Trust Fund's property described as the south half of
the southeast quarter of the northwest quarter and the north
half of the northeast quarter of the southwest quarter of
Section 9, Township 25 South, Range 29 East, Osceola County,
shall be deeded, by quitclaim deed, on or before December 31,



104186

11 2015, to the Department of Agriculture and Consumer Services.
12 Notwithstanding the provisions of chapters 253 and 259, Florida
13 Statutes, the Department of Agriculture and Consumer Services is
14 directed to sell a portion of such deeded property described as
15 that portion of the land lying south of Carroll Street of the
16 parcel in Osceola County described as the north half of the
17 northeast quarter of the southwest quarter of Section 9,
18 Township 25 South, Range 29 East for at least the property's
19 appraised value in accordance with s. 255.25001, Florida
20 Statutes. All net proceeds from the sale shall be deposited into
21 the General Inspection Trust Fund of the Department of
22 Agriculture and Consumer Services. The department shall develop
23 a plan to use the net proceeds for facility repairs and
24 construction of an agricultural diagnostic laboratory at the
25 Bronson Animal Disease Diagnostic Laboratory located in Osceola
26 County. The plan must be submitted to the Governor, the
27 President of the Senate, and the Speaker of the House of
28 Representatives by December 31, 2015.

29
30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

32 Delete line 102

33 and insert:

34 check annually of each grain dealer; requiring certain
35 property to be deeded to the Department of Agriculture
36 and Consumer Services by a certain date; requiring the
37 department to sell a portion of the deeded property;
38 requiring the proceeds from the sale to be deposited
39 into a specified trust fund; requiring the department



104186

40 to develop a plan to use the net proceeds from the
41 sale for facility repairs and construction of an
42 agricultural diagnostic laboratory at the Bronson
43 Animal Disease Diagnostic Laboratory; requiring the
44 plan to be submitted to the Governor and the
45 Legislature by a certain date; providing an

By Senator Montford

3-00902A-15

20151050__

1 A bill to be entitled
 2 An act relating to the Department of Agriculture and
 3 Consumer Services; amending s. 288.1175, F.S.;
 4 removing provisions requiring the department to give
 5 certain priority consideration when evaluating
 6 applications for funding of agriculture education and
 7 promotion facilities; amending s. 482.1562, F.S.;
 8 clarifying the date by which an application for
 9 recertification of a limited certification for urban
 10 landscape commercial fertilizer application is
 11 required; removing provisions imposing late renewal
 12 charges; providing a grace period for such
 13 recertification; amending s. 500.03, F.S.; defining
 14 terms relating to the Florida Food Safety Act;
 15 amending s. 570.07, F.S.; revising powers and duties
 16 of the department to include sponsoring events;
 17 authorizing the department to secure letters of
 18 patent, copyrights, and trademarks on work products
 19 and to engage in acts accordingly; amending s. 570.30,
 20 F.S.; removing electronic data processing and
 21 management information systems support for the
 22 department as a power and duty of the Division of
 23 Administration; amending s. 570.441, F.S.; authorizing
 24 the use of funds in the Pest Control Trust Fund for
 25 activities of the Division of Agricultural
 26 Environmental Services; amending s. 570.50, F.S.;
 27 revising powers and duties of the Division of Food
 28 Safety to include analyzing milk, milk products, and
 29 frozen desserts offered for sale in the state;

Page 1 of 24

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

3-00902A-15

20151050__

30 amending s. 570.53, F.S.; revising duties of the
 31 Division of Marketing and Development to remove
 32 enforcement of provisions relating to dealers in
 33 agricultural products; amending s. 570.544, F.S.;
 34 revising duties of the director of the Division of
 35 Consumer Services to include enforcement of provisions
 36 relating to dealers in agricultural products and grain
 37 dealers; creating s. 570.68, F.S.; authorizing the
 38 Commissioner of Agriculture to create an Office of
 39 Agriculture Technology Services; providing duties of
 40 the office; amending s. 570.681, F.S.; clarifying
 41 legislative findings with regard to the Florida
 42 Agriculture Center and Horse Park; amending s.
 43 570.685, F.S.; authorizing rather than requiring the
 44 department to provide administrative and staff support
 45 services, meeting space, and record storage for the
 46 Florida Agriculture Center and Horse Park Authority;
 47 amending s. 571.24, F.S.; clarifying the intent of the
 48 Florida Agricultural Promotional Campaign as a
 49 marketing program; removing an obsolete provision
 50 relating to the designation of a division employee as
 51 a member of the Advertising Interagency Coordinating
 52 Council; amending s. 571.27, F.S.; removing obsolete
 53 provisions relating to the authority of the department
 54 to adopt rules for entering into contracts with
 55 advertising agencies for services that are directly
 56 related to the Florida Agricultural Promotional
 57 Campaign; amending s. 571.28, F.S.; revising
 58 provisions specifying membership criteria of the

Page 2 of 24

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

3-00902A-15

20151050__

59 Florida Agricultural Promotional Campaign Advisory
 60 Council; amending s. 581.181, F.S.; providing
 61 applicability of provisions requiring treatment or
 62 destruction of infested or infected plants and plant
 63 products; repealing s. 589.26, F.S., relating to the
 64 authority of the Florida Forest Service to dedicate
 65 and reserve state park lands for public use; amending
 66 s. 595.402, F.S.; defining terms relating to the
 67 school food and nutrition service program; amending s.
 68 595.404, F.S.; revising duties of the department with
 69 regard to the school food and nutrition service
 70 program; directing the department to collect and
 71 publish data on food purchased by sponsors through the
 72 Florida Farm to School Program and other school food
 73 and nutrition service programs; amending s. 595.405,
 74 F.S.; clarifying requirements for the School Nutrition
 75 Program; providing for breakfast meals to be available
 76 to all students in schools that serve any combination
 77 of grades kindergarten through 5; amending s. 595.406,
 78 F.S.; renaming the "Florida Farm Fresh Schools
 79 Program" as the "Florida Farm to School Program";
 80 authorizing the department to establish by rule a
 81 recognition program for certain sponsors; amending s.
 82 595.407, F.S.; revising provisions of the children's
 83 summer nutrition program to include certain schools
 84 that serve any combination of grades kindergarten
 85 through 5; revising provisions relating to the
 86 duration of the program; authorizing school districts
 87 to exclude holidays and weekends; amending s. 595.408,

Page 3 of 24

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

3-00902A-15

20151050__

88 F.S.; conforming references to changes made by the
 89 act; amending s. 595.501, F.S.; requiring entities to
 90 complete corrective action plans required by the
 91 department or a federal agency to be in compliance
 92 with school food and nutrition service programs;
 93 amending s. 595.601, F.S.; correcting a cross-
 94 reference; amending s. 604.20, F.S.; removing a
 95 provision requiring an applicant for license as a
 96 dealer in agricultural products to submit a letter
 97 acknowledging assignment of a certificate of deposit
 98 from the issuing institution; amending s. 604.33,
 99 F.S.; removing provisions requiring grain dealers to
 100 submit monthly reports; authorizing rather than
 101 requiring the department to make at least one spot
 102 check annually of each grain dealer; providing an
 103 effective date.
 104
 105 Be It Enacted by the Legislature of the State of Florida:
 106
 107 Section 1. Subsection (5) of section 288.1175, Florida
 108 Statutes, is amended to read:
 109 288.1175 Agriculture education and promotion facility.-
 110 (5) The Department of Agriculture and Consumer Services
 111 shall ~~competitively~~ evaluate applications for funding of an
 112 agriculture education and promotion facility based on the
 113 following criteria and list the applications alphabetically by
 114 applicant name; if the number of applicants exceeds three, ~~the~~
 115 ~~Department of Agriculture and Consumer Services shall rank the~~
 116 ~~applications based upon criteria developed by the Department of~~

Page 4 of 24

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

3-00902A-15

20151050__

117 ~~Agriculture and Consumer Services, with priority given in~~
 118 ~~descending order to the following items:~~

119 (a) ~~The intended use of the funds by the applicant, with~~
 120 ~~priority given to the construction of a new facility.~~

121 (b) ~~The amount of local match, with priority given to the~~
 122 ~~largest percentage of local match proposed.~~

123 (c) The location of the facility in a brownfield site as
 124 defined in s. 376.79(3), a rural enterprise zone as defined in
 125 s. 290.004, an agriculturally depressed area as defined in s.
 126 570.74, or a county that has lost its agricultural land to
 127 environmental restoration projects.

128 (d) The net increase, as a result of the facility, of total
 129 available exhibition, arena, or civic center space within the
 130 jurisdictional limits of the local government in which the
 131 facility is to be located, ~~with priority given to the largest~~
 132 ~~percentage increase of total exhibition, arena, or civic center~~
 133 ~~space.~~

134 (e) The historic record of the applicant in promoting
 135 agriculture and educating the public about agriculture,
 136 including, without limitation, awards, premiums, scholarships,
 137 auctions, and other such activities.

138 (f) The highest projection on paid attendance attracted by
 139 the agriculture education and promotion facility and the
 140 proposed economic impact on the local community.

141 (g) The location of the facility with respect to an
 142 Institute of Food and Agricultural Sciences (IFAS) facility,
 143 ~~with priority given to facilities closer in proximity to an IFAS~~
 144 ~~facility.~~

145 Section 2. Subsections (5) and (6) of section 482.1562,

3-00902A-15

20151050__

146 Florida Statutes, are amended to read:

147 482.1562 Limited certification for urban landscape
 148 commercial fertilizer application.-

149 (5) An application for recertification must be made 4 years
 150 after the date of issuance at least 90 days before the
 151 expiration of the current certificate and be accompanied by:

152 (a) Proof of having completed the 4 classroom hours of
 153 acceptable continuing education required under subsection (4).

154 (b) A recertification fee set by the department in an
 155 amount of at least \$25 but not more than \$75. Until the fee is
 156 set by rule, the fee for certification is \$25.

157 (6) ~~A late renewal charge of \$50 per month shall be~~
 158 ~~assessed 30 days after the date the application for~~
 159 ~~recertification is due and must be paid in addition to the~~
 160 ~~renewal fee. Unless timely recertified, a certificate~~
 161 ~~automatically expires 90 days after the recertification date.~~
 162 Upon expiration, or after a grace period which does not exceed
 163 30 days after expiration, a certificate may be issued only upon
 164 reapplying in accordance with subsection (3).

165 Section 3. Present paragraph (bb) of subsection (1) of
 166 section 500.03, Florida Statutes, is redesignated as paragraph
 167 (cc), and a new paragraph (bb) and paragraphs (dd) and (ee) are
 168 added to that subsection, to read:

169 500.03 Definitions; construction; applicability.-

170 (1) For the purpose of this chapter, the term:

171 (bb) "Retail" means the offering of food directly to the
 172 consumer.

173 (dd) "Vehicle" means a mode of transportation or mobile
 174 carrier used to transport food from one location to another,

3-00902A-15 20151050__

175 including, but not limited to, carts, vans, trucks, cars, trains
 176 and railway transport, and aircraft and watercraft type
 177 transport.

178 (ee) "Wholesale" means the offering of food to businesses
 179 for resale.

180 Section 4. Paragraph (c) of subsection (20) of section
 181 570.07, Florida Statutes, is amended, and subsection (44) is
 182 added to that section, to read:

183 570.07 Department of Agriculture and Consumer Services;
 184 functions, powers, and duties.—The department shall have and
 185 exercise the following functions, powers, and duties:

186 (20)

187 (c) To sponsor events, trade breakfasts, luncheons, and
 188 dinners and distribute promotional materials and favors in
 189 connection with meetings, conferences, and conventions of
 190 dealers, buyers, food editors, and merchandising executives that
 191 will assist in the promotion and marketing of Florida's
 192 agricultural and agricultural business products to the consuming
 193 public.

194
 195 The department is authorized to receive and expend donations
 196 contributed by private persons for the purpose of covering costs
 197 associated with the above described activities.

198 (44) The department may, in its own name:

199 (a) Perform all things necessary to secure letters of
 200 patent, copyrights, and trademarks on any work products of the
 201 department and enforce its rights therein.

202 (b) License, lease, assign, or otherwise give written
 203 consent to any person, firm, or corporation for the manufacture

3-00902A-15 20151050__

204 or use of such department work products on a royalty basis or
 205 for such other consideration as the department shall deem
 206 proper.

207 (c) Take any action necessary, including legal action, to
 208 protect such department work products against improper or
 209 unlawful use or infringement.

210 (d) Enforce the collection of any sums due to the
 211 department for the manufacture or use of such department work
 212 products by another party.

213 (e) Sell any of such department work products and execute
 214 all instruments necessary to consummate any such sale.

215 (f) Do all other acts necessary and proper for the
 216 execution of powers and duties conferred upon the department by
 217 this section, including adopting rules, as necessary, in order
 218 to administer this section.

219 Section 5. Subsection (5) of section 570.30, Florida
 220 Statutes, is amended, to read:

221 570.30 Division of Administration; powers and duties.—The
 222 Division of Administration shall render services required by the
 223 department and its other divisions, or by the commissioner in
 224 the exercise of constitutional and cabinet responsibilities,
 225 that can advantageously and effectively be centralized and
 226 administered and any other function of the department that is
 227 not specifically assigned by law to some other division. The
 228 duties of this division include, but are not limited to:

229 ~~(5) Providing electronic data processing and management~~
 230 ~~information systems support for the department.~~

231 Section 6. Subsection (4) is added to section 570.441,
 232 Florida Statutes, to read:

3-00902A-15

20151050__

233 570.441 Pest Control Trust Fund.—

234 (4) In addition to the uses authorized under subsection
 235 (2), moneys collected or received by the department under
 236 chapter 482 may be used to carry out the provisions of s.
 237 570.44. This subsection expires June 30, 2018.

238 Section 7. Subsection (5) of section 570.50, Florida
 239 Statutes, is amended to read:

240 570.50 Division of Food Safety; powers and duties.—The
 241 duties of the Division of Food Safety include, but are not
 242 limited to:

243 (5) Analyzing food and feed samples offered for sale in the
 244 state ~~for chemical residues~~ as required under the adulteration
 245 sections of chapters 500, 502, and 580.

246 Section 8. Subsection (2) of section 570.53, Florida
 247 Statutes, is amended to read:

248 570.53 Division of Marketing and Development; powers and
 249 duties.—The powers and duties of the Division of Marketing and
 250 Development include, but are not limited to:

251 ~~(2) Enforcing the provisions of ss. 604.15-604.34, the~~
 252 ~~dealers in agricultural products law, and ss. 534.47-534.53.~~

253 Section 9. Subsection (2) of section 570.544, Florida
 254 Statutes, is amended to read:

255 570.544 Division of Consumer Services; director; powers;
 256 processing of complaints; records.—

257 (2) The director shall supervise, direct, and coordinate
 258 the activities of the division and shall, under the direction of
 259 the department, enforce the provisions of ss. 604.15-604.34 and
 260 chapters 472, 496, 501, 507, 525, 526, 527, 531, 539, 559, 616,
 261 and 849.

Page 9 of 24

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3-00902A-15

20151050__

262 Section 10. Section 570.68, Florida Statutes, is created to
 263 read:

264 570.68 Office of Agriculture Technology Services.—The
 265 commissioner may create an Office of Agriculture Technology
 266 Services under the supervision of a senior manager exempt under
 267 s. 110.205 in the Senior Management Service. The office shall
 268 provide electronic data processing and agency information
 269 technology services to support and facilitate the functions,
 270 powers, and duties of the department.

271 Section 11. Section 570.681, Florida Statutes, is amended
 272 to read:

273 570.681 Florida Agriculture Center and Horse Park;
 274 legislative findings.—It is the finding of the Legislature that:

275 ~~(1) Agriculture is an important industry to the State of~~
 276 ~~Florida, producing over \$6 billion per year while supporting~~
 277 ~~over 230,000 jobs.~~

278 (1)(2) Equine and other agriculture-related industries will
 279 strengthen and benefit each other with the establishment of a
 280 statewide agriculture and horse facility.

281 (2)(3) The A Florida Agriculture Center and Horse Park
 282 provides will provide Florida with a unique tourist experience
 283 for visitors and residents, thus generating taxes and additional
 284 dollars for the state.

285 (3)(4) Promoting the Florida Agriculture Center and Horse
 286 Park as a joint effort between the state and the private sector
 287 allows will allow this facility to utilize experts and generate
 288 revenue from many areas to ensure the success of this facility.

289 Section 12. Paragraphs (b) and (c) of subsection (4) of
 290 section 570.685, Florida Statutes, are amended to read:

Page 10 of 24

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3-00902A-15

20151050__

291 570.685 Florida Agriculture Center and Horse Park
 292 Authority.-

293 (4) The authority shall meet at least semiannually and
 294 elect a chair, a vice chair, and a secretary for 1-year terms.

295 (b) The department ~~may provide shall be responsible for~~
 296 ~~providing~~ administrative and staff support services relating to
 297 the meetings of the authority and ~~may shall~~ provide suitable
 298 space in the offices of the department for the meetings and the
 299 storage of records of the authority.

300 (c) In conducting its meetings, the authority shall use
 301 accepted rules of procedure. The secretary shall keep a complete
 302 record of the proceedings of each meeting, which shows record
 303 ~~shall show~~ the names of the members present and the actions
 304 taken. These records shall be kept on file with the department,
 305 and such records and other documents regarding matters within
 306 the jurisdiction of the authority shall be subject to inspection
 307 by members of the authority.

308 Section 13. Section 571.24, Florida Statutes, is amended to
 309 read:

310 571.24 Purpose; duties of the department.-The purpose of
 311 this part is to authorize the department to establish and
 312 coordinate the Florida Agricultural Promotional Campaign, which
 313 is intended to serve as a marketing program to promote Florida
 314 agricultural commodities, value-added products, and agricultural
 315 related businesses and not a food safety or traceability
 316 program. The duties of the department shall include, but are not
 317 limited to:

318 (1) Developing logos and authorizing the use of logos as
 319 provided by rule.

Page 11 of 24

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3-00902A-15

20151050__

320 (2) Registering participants.

321 (3) Assessing and collecting fees.

322 (4) Collecting rental receipts for industry promotions.

323 (5) Developing in-kind advertising programs.

324 (6) Contracting with media representatives for the purpose
 325 of dispersing promotional materials.

326 (7) Assisting the representative of the department who
 327 serves on the Florida Agricultural Promotional Campaign Advisory
 328 Council.

329 ~~(8) Designating a division employee to be a member of the~~
 330 ~~Advertising Interagency Coordinating Council.~~

331 (8)(9) Adopting rules pursuant to ss. 120.536(1) and 120.54
 332 to implement the provisions of this part.

333 (9)(10) Enforcing and administering the provisions of this
 334 part, including measures ensuring that only Florida agricultural
 335 or agricultural based products are marketed under the "Fresh
 336 From Florida" or "From Florida" logos or other logos of the
 337 Florida Agricultural Promotional Campaign.

338 Section 14. Section 571.27, Florida Statutes, is amended to
 339 read:

340 571.27 Rules.-The department is authorized to adopt rules
 341 that implement, make specific, and interpret the provisions of
 342 this part, ~~including rules for entering into contracts with~~
 343 ~~advertising agencies for services which are directly related to~~
 344 ~~the Florida Agricultural Promotional Campaign. Such rules shall~~
 345 ~~establish the procedures for negotiating costs with the offerors~~
 346 ~~of such advertising services who have been determined by the~~
 347 ~~department to be qualified on the basis of technical merit,~~
 348 ~~creative ability, and professional competency. Such~~

Page 12 of 24

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3-00902A-15 20151050__
 349 ~~determination of qualifications shall also include consideration~~
 350 ~~of the provisions in s. 287.055(3), (4), and (5).~~ The department
 351 is further authorized to determine, by rule, the logos or
 352 product identifiers to be depicted for use in advertising,
 353 publicizing, and promoting the sale of Florida agricultural
 354 products or agricultural-based products in the Florida
 355 Agricultural Promotional Campaign. The department may also adopt
 356 rules consistent ~~not inconsistent~~ with the provisions of this
 357 part as in its judgment may be necessary for participant
 358 registration, renewal of registration, classes of membership,
 359 application forms, and ~~as well as~~ other forms and enforcement
 360 measures ensuring compliance with this part.

361 Section 15. Subsection (1) of section 571.28, Florida
 362 Statutes, is amended to read:

363 571.28 Florida Agricultural Promotional Campaign Advisory
 364 Council.—

365 (1) ORGANIZATION.—There is ~~hereby~~ created within the
 366 department the Florida Agricultural Promotional Campaign
 367 Advisory Council, to consist of 15 members appointed by the
 368 Commissioner of Agriculture for 4-year staggered terms. The
 369 membership shall include: 13 ~~14~~ members representing
 370 agricultural producers, shippers, ~~or~~ packers, ~~three members~~
 371 ~~representing agricultural~~ retailers, ~~two members representing~~
 372 agricultural associations, and wholesalers ~~one member~~
 373 ~~representing a wholesaler~~ of agricultural products, one member
 374 representing consumers, and one member representing the
 375 department. Initial appointment of the council members shall be
 376 four members to a term of 4 years, four members to a term of 3
 377 years, four members to a term of 2 years, and three members to a

3-00902A-15 20151050__
 378 term of 1 year.
 379 Section 16. Subsection (3) is added to section 581.181,
 380 Florida Statutes, to read:
 381 581.181 Notice of infection of plants; destruction.—
 382 (3) This section does not apply to plants or plant products
 383 infested with pests or noxious weeds that are determined to be
 384 widely established within the state and are not specifically
 385 regulated under other sections of statutes or rules adopted by
 386 the department.
 387 Section 17. Section 589.26, Florida Statutes, is repealed.
 388 Section 18. Present subsections (4) and (5) of section
 389 595.402, Florida Statutes, are renumbered as subsections (5) and
 390 (6), respectively, and a new subsection (4) and subsections (7)
 391 and (8) are added to that section, to read:
 392 595.402 Definitions.—As used in this chapter, the term:
 393 (4) "School breakfast program" means a program authorized
 394 by section 4 of the Child Nutrition Act of 1966 and administered
 395 by the department.
 396 (7) "Summer nutrition program" means one or more of the
 397 programs authorized under 42 U.S.C. s. 1761.
 398 (8) "Universal school breakfast program" means a program
 399 that makes breakfast available at no cost to all students
 400 regardless of their household income.
 401 Section 19. Subsections (5) and (12) of section 595.404,
 402 Florida Statutes, are amended, and subsection (13) is added to
 403 that section, to read:
 404 595.404 School food and nutrition service program; powers
 405 and duties of the department.—The department has the following
 406 powers and duties:

3-00902A-15

20151050__

407 (5) To provide ~~make a reasonable effort to ensure that any~~
 408 ~~school designated as a "severe need school" receives the highest~~
 409 ~~rate of reimbursement to which it is entitled under 42 U.S.C. s.~~
 410 ~~1773 for each breakfast meal served.~~

411 (12) To advance funds from the program's annual
 412 appropriation to a summer nutrition program ~~sponsors,~~ when
 413 requested, in order to implement the provisions of this chapter
 414 and in accordance with federal regulations.

415 (13) To collect data on food purchased through the programs
 416 defined in ss. 595.402(3) and 595.406 and to publish that data
 417 annually.

418 Section 20. Section 595.405, Florida Statutes, is amended
 419 to read:

420 595.405 School Nutrition Program requirements ~~for school~~
 421 ~~districts and sponsors.-~~

422 (1) Each ~~school~~ district school board shall consider the
 423 recommendations of the district school superintendent and adopt
 424 policies to provide for an appropriate food and nutrition
 425 service program for students consistent with federal law and
 426 department rules.

427 (2) Each ~~school~~ district school board shall implement
 428 school breakfast programs that make breakfast meals available to
 429 all students in each elementary school that serves any
 430 combination of grades kindergarten through 5. ~~Universal school~~
 431 ~~breakfast programs shall be offered in schools in which 80~~
 432 ~~percent or more of the students are eligible for free or~~
 433 ~~reduced price meals. Each school shall, to the maximum extent~~
 434 ~~practicable, make breakfast meals available to students at an~~
 435 ~~alternative site location, which may include, but need not be~~

3-00902A-15

20151050__

436 ~~limited to, alternative breakfast options as described in~~
 437 ~~publications of the Food and Nutrition Service of the United~~
 438 ~~States Department of Agriculture for the federal School~~
 439 ~~Breakfast Program.~~

440 (3) Each ~~school~~ district school board must annually set
 441 prices for breakfast meals at rates that, combined with federal
 442 reimbursements and state allocations, are sufficient to defray
 443 costs of school breakfast programs without requiring allocations
 444 from the district's operating funds, except if the district
 445 school board approves lower rates.

446 ~~(4) Each school district is encouraged to provide~~
 447 ~~universal, free school breakfast meals to all students in each~~
 448 ~~elementary, middle, and high school. Each school district shall~~
 449 ~~approve or disapprove a policy, after receiving public testimony~~
 450 ~~concerning the proposed policy at two or more regular meetings,~~
 451 ~~which makes universal, free school breakfast meals available to~~
 452 ~~all students in each elementary, middle, and high school in~~
 453 ~~which 80 percent or more of the students are eligible for free~~
 454 ~~or reduced price meals.~~

455 (4)(5) Each elementary, middle, and high school operating a
 456 breakfast program shall make a breakfast meal available if a
 457 student arrives at school on the school bus less than 15 minutes
 458 before the first bell rings and shall allow the student at least
 459 15 minutes to eat the breakfast.

460 (5) Each school district is encouraged to provide
 461 universal, free school breakfast meals to all students in each
 462 elementary, middle, and high school. A universal school
 463 breakfast program shall be implemented in each school in which
 464 80 percent or more of the students are eligible for free or

3-00902A-15 20151050__

465 reduced-price meals, unless the district school board, after
 466 considering public testimony at two or more regularly scheduled
 467 board meetings, decides to not implement such a program in such
 468 schools.

469 (6) To increase school breakfast and universal school
 470 breakfast program participation, each school district must, to
 471 the maximum extent practicable, make breakfast meals available
 472 to students through alternative service models as described in
 473 publications of the Food and Nutrition Service of the United
 474 States Department of Agriculture for the federal School
 475 Breakfast Program.

476 (7)(6) Each school district school board shall annually
 477 provide to all students in each elementary, middle, and high
 478 school information prepared by the district's food service
 479 administration regarding available its school breakfast
 480 programs. The information shall be communicated through school
 481 announcements and written notices sent to all parents.

482 (8)(7) A school district school board may operate a
 483 breakfast program providing for food preparation at the school
 484 site or in central locations with distribution to designated
 485 satellite schools or any combination thereof.

486 ~~(8) Each sponsor shall complete all corrective action plans~~
 487 ~~required by the department or a federal agency to be in~~
 488 ~~compliance with the program.~~

489 Section 21. Section 595.406, Florida Statutes, is amended
 490 to read:

491 595.406 Florida Farm to School ~~Fresh Schools~~ Program.—

492 (1) In order to implement the Florida Farm to School ~~Fresh~~
 493 ~~Schools~~ Program, the department shall develop policies

3-00902A-15 20151050__

494 pertaining to school food services which encourage:

495 (a) Sponsors to buy fresh and high-quality foods grown in
 496 this state when feasible.

497 (b) Farmers in this state to sell their products to
 498 sponsors, school districts, and schools.

499 (c) Sponsors to demonstrate a preference for competitively
 500 priced organic food products.

501 (d) Sponsors to make reasonable efforts to select foods
 502 based on a preference for those that have maximum nutritional
 503 content.

504 (2) The department shall provide outreach, guidance, and
 505 training to sponsors, schools, school food service directors,
 506 parent and teacher organizations, and students about the benefit
 507 of fresh food products from farms in this state.

508 (3) The department may recognize sponsors who purchase at
 509 least 10 percent of the food they serve from the Florida Farm to
 510 School Program.

511 Section 22. Subsection (2) of section 595.407, Florida
 512 Statutes, is amended to read:

513 595.407 Children's summer nutrition program.—

514 (2) Each school district shall develop a plan to sponsor or
 515 operate a summer nutrition program to operate sites in the
 516 school district as follows:

517 (a) Within 5 miles of at least one ~~elementary~~ school that
 518 serves any combination of grades kindergarten through 5 at which
 519 50 percent or more of the students are eligible for free or
 520 reduced-price school meals and for the duration of 35
 521 ~~consecutive~~ days between the end of the school year and the
 522 beginning of the next school year. School districts may exclude

3-00902A-15

20151050__

523 holidays and weekends.

524 (b) Within 10 miles of each ~~elementary~~ school that serves
525 any combination of grades kindergarten through 5 at which 50
526 percent or more of the students are eligible for free or
527 reduced-price school meals, except as operated pursuant to
528 paragraph (a).

529 Section 23. Section 595.408, Florida Statutes, is amended
530 to read:

531 595.408 Food Commodity distribution services; department
532 responsibilities and functions.—

533 (1) (a) The department shall conduct, supervise, and
534 administer all food commodity distribution services that will be
535 carried on using federal or state funds, or funds from any other
536 source, or food commodities received and distributed from the
537 United States or any of its agencies.

538 (b) The department shall determine the benefits each
539 applicant or recipient of assistance is entitled to receive
540 under this chapter, provided that each applicant or recipient is
541 a resident of this state and a citizen of the United States or
542 is an alien lawfully admitted for permanent residence or
543 otherwise permanently residing in the United States under color
544 of law.

545 (2) The department shall cooperate fully with the United
546 States Government and its agencies and instrumentalities so that
547 the department may receive the benefit of all federal financial
548 allotments and assistance possible to carry out the purposes of
549 this chapter.

550 (3) The department may:

551 (a) Accept any duties with respect to food commodity

3-00902A-15

20151050__

552 distribution services as are delegated to it by an agency of the
553 federal government or any state, county, or municipal
554 government.

555 (b) Act as agent of, or contract with, the federal
556 government, state government, or any county or municipal
557 government in the administration of food commodity distribution
558 services to secure the benefits of any public assistance that is
559 available from the federal government or any of its agencies,
560 and in the distribution of funds received from the federal
561 government, state government, or any county or municipal
562 government for food commodity distribution services within the
563 state.

564 (c) Accept from any person or organization all offers of
565 personal services, food commodities, or other aid or assistance.

566 (4) This chapter does not limit, abrogate, or abridge the
567 powers and duties of any other state agency.

568 Section 24. Section 595.501, Florida Statutes, is amended
569 to read:

570 595.501 Penalties.—

571 (1) When a corrective action plan is issued by the
572 department or a federal agency, each sponsor is required to
573 complete the corrective action plan to be in compliance with the
574 program.

575 (2) Any person ~~or~~ sponsor, ~~or school district~~ that
576 violates any provision of this chapter or any rule adopted
577 thereunder or otherwise does not comply with the program is
578 subject to a suspension or revocation of their agreement, loss
579 of reimbursement, or a financial penalty in accordance with
580 federal or state law or both. This section does not restrict the

3-00902A-15 20151050__

581 applicability of any other law.

582 Section 25. Section 595.601, Florida Statutes, is amended

583 to read:

584 595.601 Food and Nutrition Services Trust Fund.—Chapter 99-

585 37, Laws of Florida, recreated the Food and Nutrition Services

586 Trust Fund to record revenue and disbursements of Federal Food

587 and Nutrition funds received by the department as authorized in

588 s. 595.404 ~~595.405~~.

589 Section 26. Subsection (1) of section 604.20, Florida

590 Statutes, is amended to read:

591 604.20 Bond or certificate of deposit prerequisite; amount;

592 form.—

593 (1) Before any license is issued, the applicant ~~therefor~~

594 shall make and deliver to the department a surety bond or

595 certificate of deposit in the amount of at least \$5,000 or in

596 such greater amount as the department may determine. No bond or

597 certificate of deposit may be in an amount less than \$5,000. The

598 penal sum of the bond or certificate of deposit to be furnished

599 to the department by an applicant for license as a dealer in

600 agricultural products shall be in an amount equal to twice the

601 dollar amount of agricultural products handled for a Florida

602 producer or a producer's agent or representative, by purchase or

603 otherwise, during the month of maximum transaction in such

604 products during the preceding 12-month period. An applicant for

605 license who has not handled agricultural products for a Florida

606 producer or a producer's agent or representative, by purchase or

607 otherwise, during the preceding 12-month period shall furnish a

608 bond or certificate of deposit in an amount equal to twice the

609 estimated dollar amount of such agricultural products to be

3-00902A-15 20151050__

610 handled, by purchase or otherwise, during the month of maximum

611 transaction during the next immediate 12 months. Such bond or

612 certificate of deposit shall be provided or assigned in the

613 exact name in which the dealer will conduct business subject to

614 ~~the provisions of~~ ss. 604.15-604.34. Such bond must be executed

615 by a surety company authorized to transact business in the

616 state. For the purposes of ss. 604.19-604.21, the term

617 "certificate of deposit" means a certificate of deposit at any

618 recognized financial institution doing business in the United

619 States. A ~~No~~ certificate of deposit may not be accepted in

620 connection with an application for a dealer's license unless the

621 issuing institution is properly insured by either the Federal

622 Deposit Insurance Corporation or the Federal Savings and Loan

623 Insurance Corporation. Such bond or any certificate of deposit

624 assignment or agreement shall be upon a form prescribed or

625 approved by the department and shall be conditioned to secure

626 the faithful accounting for and payment, in the manner

627 prescribed by s. 604.21(9), to producers or their agents or

628 representatives of the proceeds of all agricultural products

629 handled or purchased by such dealer and to secure payment to

630 dealers who sell agricultural products to such dealer. Such bond

631 or certificate of deposit assignment or agreement shall include

632 terms binding the instrument to the Commissioner of Agriculture.

633 A certificate of deposit shall be presented with an assignment

634 of applicant's rights in the certificate in favor of the

635 Commissioner of Agriculture on a form prescribed by the

636 department ~~and with a letter from the issuing institution~~

637 acknowledging that the assignment has been properly recorded on

638 the books of the issuing institution and will be honored by the

3-00902A-15

20151050__

639 issuing institution. Such assignment shall be irrevocable while
 640 the dealer's license is in effect and for an additional period
 641 of 6 months after the termination or expiration of the dealer's
 642 license, ~~if a provided~~ no complaint is not pending against the
 643 licensee. If a complaint is pending, the assignment shall remain
 644 in effect until all actions on the complaint have been
 645 finalized. The certificate of deposit may be released by the
 646 assignee of the financial institution to the licensee or the
 647 licensee's successors, assignee, or heirs if ~~no~~ claims are not
 648 pending against the licensee before the department at the
 649 conclusion of 6 months after the last effective date of the
 650 license. A ~~No~~ certificate of deposit which shall be accepted
 651 ~~that~~ contains any provision that would give the issuing
 652 institution any prior rights or claim on the proceeds or
 653 principal of such certificate of deposit may not be accepted.
 654 The department shall determine by rule the maximum amount of
 655 bond or certificate of deposit required of a dealer and whether
 656 an annual bond or certificate of deposit will be required.

657 Section 27. Section 604.33, Florida Statutes, is amended to
 658 read:

659 604.33 Security requirements for grain dealers.—Each grain
 660 dealer doing business in the state shall maintain liquid
 661 security, in the form of grain on hand, cash, certificates of
 662 deposit, or other nonvolatile security that can be liquidated in
 663 10 days or less, or cash bonds, surety bonds, or letters of
 664 credit, that have been assigned to the department and that are
 665 conditioned to secure the faithful accounting for and payment to
 666 the producers for grain stored or purchased, in an amount equal
 667 to the value of grain which the grain dealer has received from

3-00902A-15

20151050__

668 grain producers for which the producers have not received
 669 payment. The bonds must be executed by the applicant as
 670 principal and by a surety corporation authorized to transact
 671 business in the state. The certificates of deposit and letters
 672 of credit must be from a recognized financial institution doing
 673 business in the United States. ~~Each grain dealer shall report to~~
 674 ~~the department monthly, on or before a date established by rule~~
 675 ~~of the department, the value of grain she or he has received~~
 676 ~~from producers for which the producers have not received payment~~
 677 ~~and the types of transaction involved, showing the value of each~~
 678 ~~type of transaction. The report shall also include a statement~~
 679 ~~showing the type and amount of security maintained to cover the~~
 680 ~~grain dealer's liability to producers. The department may shall~~
 681 make at least one spot check annually of each grain dealer to
 682 determine compliance with the requirements of this section.

683 Section 28. This act shall take effect July 1, 2015.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-17-15
Meeting Date

1050
Bill Number (if applicable)

Topic FDACS Dept. Bill

Amendment Barcode (if applicable)

Name Grace Lovett

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Speaking: For Against Information

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(The Chair will read this information into the record.)

Representing FL Dept. of Agriculture & Consumer Services

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 Appropriations Subcommittee on General Government

BILL: SB 1220

INTRODUCER: Senators Grimsley and Evers

SUBJECT: Cattle Market Development Act

DATE: March 16, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Becker</u>	<u>Becker</u>	<u>AG</u>	Favorable
2.	<u>Blizzard</u>	<u>DeLoach</u>	<u>AGG</u>	Recommend: Favorable
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 1220 makes a number of changes to the Beef Market Development Act. The bill:

- Renames the Beef Market Development Act as the Cattle Market Development Act;
- Renames the Florida Beef Council, Inc., as the Florida Cattle Enhancement Board, Inc. (board);
- Authorizes the board to impose additional assessments, accept grants and gifts, and make payments to organizations for services performed.

The bill may have an indeterminate, but negative impact on cattle producers. If approved by referendum, beef producers will pay an assessment of up to \$1 for each head of cattle sold in the state.

The bill has an effective date of July 1, 2015.

II. Present Situation:

The 1985 Farm Bill established a national beef check-off program that became mandatory in 1988. The program is based on a \$1 per head assessment, of which one-half is controlled by beef councils at the state level. The check-off funds are expended on advertising, marketing, education, and research – all aimed at stimulating beef sales.

In 2003 the U.S. Court of Appeals of the 8th Circuit, in Livestock Marketing Association v. United States Department of Agriculture, 335 F.3d 711, (8th Cir. 2003), affirmed a decision of the U.S. District Court in South Dakota which held the national beef check-off program was unconstitutional. The beef producers in Florida resolved that it was in their interest to have a state-level program on stand-by if the national check-off program was ruled unconstitutional by the U.S. Supreme Court.

The 2004 Legislature established the Beef Market Development Act¹ (act), which generally:

- Established legislative intent;
- Created definitions;
- Established a not-for-profit corporation, the Florida Beef Council (council), organized to operate as a direct-support organization under the Department of Agriculture and Consumer Services;
- Established the council's governance structure through a 13-member board of directors;
- Established procedures for a referendum on assessments up to \$1 per head of cattle;
- Established the powers and duties of the council;
- Set forth procedures for the collection and remission of assessments at the time of sale by a collection agent;
- Established procedures for a producer of cattle to obtain a full refund upon request within 45 days after the sale transaction takes place;
- Provided that a referendum to vote to continue the act could be held once in a three-year period if certain criteria were met;
- Directed the council to adopt bylaws to carry out the intent and purposes of the act; and
- Provided an effective date of when the bill became law, but assessments or a referendum relating to such assessments would be delayed until certain criteria were met.

The U.S. Supreme Court ruled that the national check-off program was constitutional, so the assessment provided for in the act was never implemented.²

III. Effect of Proposed Changes:

Section 1 renames the Beef Market Development Act as the Cattle Market Development Act and renames the Florida Beef Council, Inc., as the Florida Cattle Enhancement Board, Inc.

The bill provides for a referendum to take place within 180 days after July 1, 2015, which will ask Florida producers if they approve of an assessment program of up to \$1 per head of cattle. This assessment is in addition to the national check-off program. The referendum may not be held more often than once every three years. The contributions would be mandatory and refundable upon request. The bill also provides for additional referenda to increase the assessment if petitions are received from at least 1,800 producers or 10 percent of Florida's producers.

The bill specifies that the assessment fee will be collected at the time of sale and will be forwarded to the board by the 15th of each month. It establishes a procedure for the refund of the assessment.

The bill grants the board the same powers as the former Florida Beef Council, while removing duplicative powers and consolidating the governing language into one section. The bill removes the ability of the board to accept grants and gifts or make payments to organizations for services performed.

¹ Chapter 2004-65, Laws of Florida.

² Johans v. Livestock Marketing Association, 544 U.S. 550 (2005).

The bill deletes a provision that the act is repealed on October 1, 2019, unless saved from repeal by the Legislature.

The bill revises the definition of “cattle” to eliminate the provision that a cow and nursing calf sold together are considered one unit.

Section 2 provides that the act shall take effect July 1, 2015.

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:

If the assessment authorized in SB 1220 is approved, it would result in an additional cost to beef producers, of up to \$1 per head of cattle sold.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 570.83 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of 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 Grimsley

21-01246A-15

20151220__

1 A bill to be entitled
 2 An act relating to the Cattle Market Development Act;
 3 amending s. 570.83, F.S.; renaming the Beef Market
 4 Development Act as the Cattle Market Development Act;
 5 renaming the Florida Beef Council, Inc., as the
 6 Florida Cattle Enhancement Board, Inc.; conforming
 7 intent and definitions; removing a provision that
 8 deems a cow and nursing calf sold together as one
 9 unit; authorizing the Cattle Enhancement Board to
 10 impose additional assessments; revising the powers and
 11 duties of the board; providing for the Commissioner of
 12 Agriculture to appoint a voting member rather than an
 13 ex officio, nonvoting member to the governing board of
 14 the Cattle Enhancement Board; providing for staggered
 15 terms of governing board members; providing for
 16 initial and subsequent appointment of governing board
 17 members; authorizing the commissioner to initiate a
 18 referendum on assessments with certain notice;
 19 directing the commissioner to designate a specified
 20 number of days for a referendum to take place;
 21 limiting referenda on per-head-of-cattle assessments
 22 to once every 3 years; removing provisions requiring
 23 the board to maintain frequent communication with
 24 officers and industry representatives at the state and
 25 national levels; removing provisions authorizing the
 26 board to sue and be sued without individual liability
 27 of the members, to maintain a financial reserve for
 28 emergency use, to appoint advisory groups, to accept
 29 grants, donations, contributions, or gifts from any

Page 1 of 17

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21-01246A-15

20151220__

30 source, and to pay other organizations for work or
 31 services; specifying a date by which collection agents
 32 must collect and forward assessments to the board;
 33 removing provisions entitling collection agents to
 34 deduct a fee from the amount of assessments collected;
 35 removing a future repeal; providing an effective date.
 36
 37 Be It Enacted by the Legislature of the State of Florida:
 38
 39 Section 1. Section 570.83, Florida Statutes, is amended to
 40 read:
 41 570.83 Cattle ~~Beef~~ Market Development Act; definitions;
 42 Florida Cattle Enhancement Board ~~Beef Council~~, Inc., creation,
 43 purposes, governing board, powers, and duties; referendum on
 44 assessments imposed on gross receipts from cattle sales;
 45 payments to organizations for services; collecting and refunding
 46 assessments; vote on continuing the act; board ~~council~~ bylaws.-
 47 (1) SHORT TITLE ~~POPULAR NAME~~.—This section ~~act~~ may be cited
 48 as the "Cattle ~~Beef~~ Market Development Act."
 49 (2) LEGISLATIVE INTENT.—The Legislature intends by this act
 50 to promote the growth of the cattle industry in this state; to
 51 assure the public an adequate and wholesome food supply; to
 52 provide for the general economic welfare of producers and
 53 consumers of beef and the state; and to provide the ~~beef~~ cattle
 54 ~~production and feeding~~ industry of this state with the authority
 55 to establish a self-financed, self-governed program to help
 56 develop, maintain, and expand the state, national, and foreign
 57 markets for beef and beef products that are produced, processed,
 58 or manufactured in this state.

Page 2 of 17

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21-01246A-15

20151220__

59 (3) DEFINITIONS.—As used in this section ~~act~~, the term:

60 (a) "Beef" or "beef products" means the products of beef
61 intended for human consumption which are derived from any bovine
62 animal, regardless of age, including, but not limited to, veal.

63 ~~(c)(b)~~ "Cattle" means such animals as are so designated by
64 federal law, including any marketing, promotion, and research
65 orders as are in effect. Unless such federal law provides to the
66 contrary, the term "cattle" includes all bovine animals,
67 regardless of age, including, but not limited to, calves. ~~A cow
68 and nursing calf sold together are considered one unit.~~

69 ~~(b)(e)~~ "Board" or "Florida Cattle Enhancement Board"
70 "Council" means the Florida Cattle Enhancement Board Beef
71 Council, Inc.

72 ~~(e)(d)~~ "Department" means the Department of Agriculture and
73 Consumer Services.

74 ~~(d)(e)~~ "Collection agent" means a person who sells, offers
75 for sale, markets, distributes, trades, or processes cattle that
76 have been purchased or acquired from a producer or that are
77 marketed on behalf of a producer. The term also includes
78 meatpacking firms and their agents that purchase or consign to
79 purchase cattle.

80 (f) "Person" means any natural person, partnership,
81 corporation, company, association, society, trust, or other
82 business unit or organization.

83 (g) "Producer" means a person that has owned or sold cattle
84 in the previous calendar year or presently owns cattle.

85 (4) FLORIDA CATTLE ENHANCEMENT BOARD ~~BEEF COUNCIL~~, INC. ;
86 CREATION; PURPOSES.—

87 (a) There is created the Florida Cattle Enhancement Board

21-01246A-15

20151220__

88 ~~Beef Council, Inc.~~, a not-for-profit corporation organized under
89 the laws of this state for the purpose of ~~and~~ operating as a
90 direct-support organization to ~~of~~ the department pursuant to
91 this section.

92 (b) The ~~board may~~ council is authorized to impose an
93 initial assessment, in addition to any other assessment provided
94 by law, of not more than \$1 on each head of cattle sold in the
95 state if the imposition of the assessment is approved by
96 referendum pursuant to subsection (6). The proceeds of the
97 assessment shall be used to fund the activities of the board
98 ~~council~~. ~~The council shall:~~

99 ~~1. Establish the amount of the assessment at not more than~~
100 ~~\$1 per head of cattle.~~

101 ~~2. Develop, implement, and monitor a collection system for~~
102 ~~the assessment.~~

103 ~~3. Coordinate the collection of the assessment with other~~
104 ~~states.~~

105 ~~4. Establish refund procedures.~~

106 ~~5. Conduct referenda under subsections (6) and (12).~~

107 ~~(c) The council shall:~~

108 ~~1. Plan, implement, and conduct programs of promotion,~~
109 ~~research, and consumer information or industry information which~~
110 ~~are designed to strengthen the cattle industry's market position~~
111 ~~in this state and in the nation and to maintain and expand~~
112 ~~domestic and foreign markets and expand uses for beef and beef~~
113 ~~products.~~

114 ~~2. Use the proceeds of the assessment for the purpose of~~
115 ~~funding cattle production and beef research, education,~~
116 ~~promotion, and consumer and industry information in this state~~

21-01246A-15

20151220__

117 and in the nation.

118 ~~3. Plan and implement a cattle and beef industry feedback~~

119 ~~program in this state.~~

120 ~~4. Coordinate research, education, promotion, industry, and~~

121 ~~consumer information programs with any national programs or~~

122 ~~programs of other states.~~

123 ~~5. Develop new uses and markets for beef and beef products.~~

124 ~~6. Develop and improve methods of distributing beef and~~

125 ~~beef products to the consumer.~~

126 ~~7. Develop methods of improving the quality of beef and~~

127 ~~beef products for the benefit of consumers.~~

128 ~~8. Inform and educate the public concerning the nutritive~~

129 ~~and economic values of beef and beef products.~~

130 ~~9. Serve as a liaison within the beef and other food~~

131 ~~industries of the state and elsewhere in matters that would~~

132 ~~increase efficiencies that ultimately benefit both consumers and~~

133 ~~industry.~~

134 ~~10. Buy, sell, mortgage, rent, or improve, in any manner~~

135 ~~that the council considers expedient, real property or personal~~

136 ~~property, or both.~~

137 ~~11. Publish and distribute such papers or periodicals as~~

138 ~~the board of directors considers necessary to encourage and~~

139 ~~accomplish the purposes of the council.~~

140 ~~12. Do all other acts necessary or expedient for the~~

141 ~~administration of the affairs and attainment of the purposes of~~

142 ~~the council.~~

143 ~~13. Approve an annual plan, budget, and audit for the~~

144 ~~council.~~

145 (c)(d)1. The board council may not participate in or

Page 5 of 17

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21-01246A-15

20151220__

146 intervene in any political campaign on behalf of or in

147 opposition to any candidate for public office. This restriction

148 includes, but is not limited to, a prohibition against

149 publishing or distributing any statements.

150 (d)2. ~~No part of~~ The net receipts of the board may not

151 ~~council shall~~ inure to the benefit of or be distributable to its

152 directors, its officers, or other private persons, except that

153 the board council may pay reasonable compensation for services

154 rendered by staff employees and may make payments and

155 distributions in furtherance ~~of the purposes~~ of this section

156 ~~act.~~

157 (e)3. Notwithstanding any other provision of law, the board

158 ~~council~~ may not carry on any other activities prohibited for not

159 ~~permitted to be carried on:~~

160 1.a. ~~By~~ A corporation exempt from federal income tax under

161 s. 501(c)(3) of the Internal Revenue Code of 1986, as amended;

162 or

163 2.b. ~~By~~ A corporation to which contributions are deductible

164 under s. 170(c)(2) of the Internal Revenue Code of 1986, as

165 amended.

166 (f)4. Notwithstanding any other statement of the purposes

167 and responsibilities of the board council, the board council may

168 not engage in any activities or exercise any powers that are not

169 in furtherance of its ~~specific and primary~~ purposes.

170 (5) GOVERNING BOARD.—

171 (a) The Florida Cattle Enhancement Board Beef Council,

172 ~~Inc.,~~ shall be governed by a board of directors composed of 14

173 ~~13~~ members as follows:

174 1. Eight, ~~including 8~~ representatives of the Florida

Page 6 of 17

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21-01246A-15 20151220__

175 Cattlemen's Association, of whom one is a representative of the
 176 Florida Association of Livestock Markets and one is a practicing
 177 order buyer.†

178 2. One a representative of the Dairy Farmers, Inc.†
 179 3. One a representative of the Florida CattleWomen, Inc.†
 180 4. One a representative of the Florida Farm Bureau
 181 Federation.†

182 5. One representative of an allied-industry.
 183 6. One representative of the department appointed by the
 184 Commissioner of Agriculture, representative; and
 185 7. One representative of the an Institute of Food and
 186 Agricultural Sciences representative.

187 (b) The initial board of directors shall be appointed by
 188 the Commissioner of Agriculture for staggered terms a term of 1
 189 year for three members, 2 years for three members, 3 years for
 190 four members, and 4 years for four members. Each subsequent
 191 vacancy shall be filled in accordance with the bylaws of the
 192 Florida Cattle Enhancement Board council. Thereafter, each ~~board~~
 193 member of the board of directors shall be appointed by the
 194 Florida Cattle Enhancement Board to serve a 3-year term and may
 195 be reappointed to serve an additional consecutive term. A member
 196 may not serve more than two consecutive terms. A member must be
 197 a resident of this state and must be a producer who has been a
 198 producer for at least the 5 years immediately preceding the
 199 first day of his or her service on the board, except that the
 200 representative of the Florida Farm Bureau Federation, the
 201 allied-industry representative, the department representative,
 202 and the Institute of Food and Agricultural Sciences
 203 representative need not be producers. All ~~members of the beef~~

21-01246A-15 20151220__

204 ~~council board of directors positions~~ shall serve without
 205 compensation but be unsalaried; however, the board members are
 206 entitled to reimbursement as provided in s. 112.061 for travel
 207 and other expenses incurred in carrying out ~~the intents and~~
 208 ~~purposes of this section act.~~

209 (c) The Florida Cattle Enhancement Board council shall
 210 provide for its officers through its bylaws, including the
 211 ability to set forth offices and responsibilities and form
 212 committees necessary for the implementation of this section act.
 213 ~~The Commissioner of Agriculture may designate an ex-officio~~
 214 ~~nonvoting member of the board of directors.~~

215 (d) If a member of the board of directors misses three
 216 consecutive, officially called meetings, the board of directors
 217 may declare that position vacant.

218 (6) REFERENDUM ON ASSESSMENTS.—

219 (a) All producers in this state shall have the opportunity
 220 to vote in a referendum to determine whether the Florida Cattle
 221 Enhancement Board may council shall be authorized to impose an
 222 assessment of not more than \$1 per head on cattle sold in the
 223 state. The referendum shall pose the question: "Do you approve
 224 of a Florida an assessment program, up to \$1 per head of cattle
 225 pursuant to section 570.83, Florida Statutes, to be funded
 226 through specific contributions that are mandatory and refundable
 227 upon request?" The initial referendum under this paragraph shall
 228 take place within 180 days after July 1, 2015. Such referendum
 229 may not be held more often than once every 3 years.

230 (b) Additional referenda may be held to authorize the board
 231 to increase the assessment to more than \$1 per head of cattle if
 232 the board receives petitions from at least 1,800 producers or 10

21-01246A-15 20151220__

233 percent of Florida's producers as determined by the department,
 234 whichever is less, requesting an increase in the assessment or
 235 if the board, by a two-thirds vote of its voting members,
 236 approves a motion to increase the assessment. All petition
 237 signatures must be collected within a consecutive 12-month
 238 period. The referendum shall pose the question: "Do you approve
 239 of granting the Florida Cattle Enhancement Board, Inc.,
 240 authority to increase the per-head-of-cattle assessment pursuant
 241 to section 570.83, Florida Statutes, from ...(present rate)...
 242 to up to a maximum of ...(proposed rate)... per head?" Such
 243 referendum may not be held more often than once every 3 years.

244 (c) If the board receives petitions from at least 1,800
 245 producers or 10 percent of Florida's producers as determined by
 246 the department, whichever is less, asking, "Shall the assessment
 247 authorized by the Cattle Market Development Act continue?" the
 248 board shall, within 90 days, conduct a referendum to determine
 249 whether a majority of the producers voting in the referendum
 250 support the continuation of the Cattle Market Development Act.
 251 All petition signatures must be collected within a consecutive
 252 12-month period. Such referendum may not be held more often than
 253 once every 3 years.

254 (d) The Commissioner of Agriculture may initiate a
 255 referendum with a 90-day notice, but not more often than once
 256 every 3 years.

257 (e)(a) A referendum held under this subsection ~~section~~ must
 258 be conducted by secret ballot at extension offices of the
 259 Institute of Food and Agricultural Sciences of the University of
 260 Florida or at offices of the United States Department of
 261 Agriculture with the cooperation of the department to ensure

21-01246A-15 20151220__

262 fairness in the referendum process.

263 (f) The Commissioner of Agriculture shall designate at
 264 least 5 but not more than 10 consecutive business days for the
 265 referendum to take place.

266 (g)(b) Notice of a referendum ~~to be held under this act~~
 267 must be given at least once in trade publications, the public
 268 press, and statewide newspapers at least 30 days before the
 269 referendum is held.

270 ~~(e) Additional referenda may be held to authorize the~~
 271 ~~council to increase the assessment to more than \$1 per head of~~
 272 ~~cattle. Such referendum shall pose the question: "Do you approve~~
 273 ~~of granting the Florida Beef Council, Inc., authority to~~
 274 ~~increase the per head of cattle assessment pursuant to section~~
 275 ~~570.83, Florida Statutes, from ...(present rate)... to up to a~~
 276 ~~maximum of ...(proposed rate)... per head?" Referenda may not be~~
 277 ~~held more often than once every 3 years.~~

278 (h)(d) Each ~~cattle~~ producer is entitled to only one vote in
 279 a referendum held under this subsection ~~section~~. Proof of
 280 identification and cattle ownership must be presented before
 281 voting.

282 (i)(e) A simple majority of those casting ballots shall
 283 determine any issue that requires a referendum under this
 284 subsection ~~section~~.

285 (7) POWERS AND DUTIES OF THE BOARD COUNCIL.-

286 (a) The board council shall:

287 1. Establish the amount of the assessment at not more than
 288 \$1 per head of cattle.

289 2. Develop, implement, and monitor a collection system for
 290 the assessment.

21-01246A-15

20151220__

- 291 3. Coordinate the collection of the assessment with other
 292 states.
- 293 4. Establish refund procedures.
- 294 5. Conduct referenda under subsection (6).
- 295 6. Plan, implement, and conduct programs of promotion,
 296 research, and consumer and industry information which are
 297 designed to strengthen the market position of the cattle
 298 industry in this state and in the nation and to maintain and
 299 expand domestic and foreign markets and expand uses for beef and
 300 beef products.
- 301 7. Use the proceeds of the assessment for the purpose of
 302 funding cattle production and beef research, education,
 303 promotion, and consumer and industry information in this state
 304 and in the nation.
- 305 8. Plan and implement a cattle and beef industry feedback
 306 program in this state.
- 307 9. Coordinate research, education, promotion, industry, and
 308 consumer information programs with any national programs or
 309 programs of other states.
- 310 10. Serve as a liaison within the beef and other food
 311 industries of the state and elsewhere in matters that would
 312 increase efficiencies that ultimately benefit consumers and the
 313 industry.
- 314 11. Buy, sell, mortgage, rent, or improve, in any manner
 315 that the board considers expedient, real property or personal
 316 property, or both.
- 317 12. Publish and distribute such papers or periodicals as
 318 the board of directors considers necessary to encourage and
 319 accomplish the purposes of the Florida Cattle Enhancement Board.

Page 11 of 17

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21-01246A-15

20151220__

- 320 ~~13.1-~~ Receive and disburse funds, pursuant to as prescribed
 321 ~~elsewhere in this section act,~~ to be used in administering and
 322 implementing this section the act.
- 323 ~~2. Maintain a permanent record of its business proceedings.~~
- 324 ~~3. Maintain a permanent, detailed record of its financial~~
 325 ~~dealings.~~
- 326 ~~4. Prepare periodic reports and an annual report of its~~
 327 ~~activities for the fiscal year, for review by the beef industry~~
 328 ~~in this state, and file its annual report with the department.~~
- 329 ~~14.5-~~ Prepare, for review by the cattle beef industry in
 330 this state, periodic reports and an annual accounting for each
 331 fiscal year of all receipts and expenditures to be filed with
 332 the department, and ~~shall~~ retain a certified public accountant
 333 for this purpose.
- 334 ~~15.6-~~ Appoint a licensed banking institution to serve as
 335 the depository for program funds and to handle disbursements of
 336 those funds.
- 337 ~~7. Maintain frequent communication with officers and~~
 338 ~~industry representatives at the state and national levels,~~
 339 ~~including the department.~~
- 340 ~~16.8-~~ Maintain an office in this state.
- 341 17. Do all other acts necessary and permitted by law to
 342 further the intent of this section.
- 343 (b) The board ~~council~~ may:
- 344 1. Conduct or contract for scientific research with any
 345 accredited university, college, or similar institution, and
 346 enter into other contracts or agreements that will aid in
 347 carrying out the purposes of the program, including contracts
 348 for the purchase or acquisition of facilities or equipment

Page 12 of 17

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21-01246A-15

20151220__

349 necessary to carry out the purposes of the program.

350 2. Disseminate reliable information benefiting the consumer
351 and the beef industry on subjects such as, but not limited to,
352 the purchase, identification, care, storage, handling, cookery,
353 preparation, serving, and nutritive value of beef and beef
354 products.

355 ~~3. Provide to government bodies, on request, information~~
356 ~~relating to subjects of concern to the beef industry, and may~~
357 Act jointly or in cooperation with the state or Federal
358 Government, and agencies thereof, in the development or
359 administration of programs that the board council considers to
360 be consistent with the objectives of the program.

361 4. Sue and be sued as a council without individual
362 liability of the members for acts of the council when acting
363 within the scope of the powers of this act and in the manner
364 prescribed by the laws of this state.

365 ~~4.5.~~ Borrow from licensed lending institutions money in
366 amounts that are not cumulatively greater than 50 percent of the
367 board's council's anticipated annual income.

368 ~~6. Maintain a financial reserve for emergency use, the~~
369 ~~total of which must not exceed 50 percent of the council's~~
370 ~~anticipated annual income.~~

371 ~~7. Appoint advisory groups composed of representatives from~~
372 ~~organizations, institutions, governments, or businesses related~~
373 ~~to or interested in the welfare of the beef industry and the~~
374 ~~consuming public.~~

375 ~~5.8.~~ Employ staff subordinate officers and employees of the
376 council, prescribe their duties, and fix their compensation and
377 terms of employment.

Page 13 of 17

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21-01246A-15

20151220__

378 ~~6.9.~~ Cooperate with any local, state, regional, or
379 nationwide organization or agency engaged in work or activities
380 consistent with the objectives of the program.

381 ~~7.10.~~ Cause any duly authorized agent or representative to
382 enter upon the premises of any market agency, market agent,
383 collection agency, or collection agent and examine or cause to
384 be examined, only by the authorized agent, ~~only~~ books, papers,
385 and records that deal with the payment of the assessment
386 provided for in this section ~~act~~ or with the enforcement of this
387 section act.

388 ~~11. Do all other things necessary to further the intent of~~
389 ~~this act which are not prohibited by law.~~

390 ~~(8) ACCEPTANCE OF GRANTS AND GIFTS. The council may accept~~
391 ~~grants, donations, contributions, or gifts from any source if~~
392 ~~the use of such resources is not restricted in any manner that~~
393 ~~the council considers to be inconsistent with the objectives of~~
394 ~~the program.~~

395 ~~(9) PAYMENTS TO ORGANIZATIONS.—~~

396 ~~(a) The council may pay funds to other organizations for~~
397 ~~work or services performed which are consistent with the~~
398 ~~objectives of the program.~~

399 ~~(b) Before making payments described in this subsection,~~
400 ~~the council must secure a written agreement that the~~
401 ~~organization receiving payment will:~~

402 ~~1. Furnish at least annually, or more frequently on request~~
403 ~~of the council, written or printed reports of program activities~~
404 ~~and reports of financial data that are relative to the council's~~
405 ~~funding of such activities; and~~

406 ~~2. Agree to have appropriate representatives attend~~

Page 14 of 17

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21-01246A-15

20151220__

407 ~~business meetings of the council as reasonably requested by the~~
 408 ~~chairperson of the council.~~

409 ~~(c) The council may require adequate proof of security~~
 410 ~~bonding on said funds to any individual, business, or other~~
 411 ~~organization.~~

412 ~~(8)(10)~~ COLLECTION OF MONEYS AT TIME OF MARKETING.—

413 (a) Each collection agent shall ~~may~~ deduct from the gross
 414 receipts of the producer, at the time of sale, the assessment
 415 imposed by the board council.

416 (b) The collection agent shall collect all such moneys and
 417 forward them to the board by the 15th of each council
 418 ~~periodically, at least once a month,~~ and The board council
 419 shall provide appropriate business forms for the convenience of
 420 the collecting agent in executing this duty.

421 (c) The board council shall maintain within its financial
 422 records a separate accounting of all moneys received under this
 423 section subsection.

424 (d) The assessment is due and payable upon the sale of
 425 cattle in this state. The assessment constitutes a personal debt
 426 of the producer who is so assessed or who otherwise owes the
 427 assessment. If a producer fails to remit any properly due
 428 assessment, the board council may bring a civil action against
 429 that person in the circuit court of any county for the
 430 collection thereof, and may add a penalty in the amount of 10
 431 percent of the assessment owed, the cost of enforcing the
 432 collection of the assessment, court costs, and reasonable
 433 attorney attorney's fees. The action shall be tried and judgment
 434 rendered as in any other cause of action for debts due and
 435 payable. All assessments, penalties, and enforcement costs are

Page 15 of 17

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

21-01246A-15

20151220__

436 due and payable to the board council.

437 (e) The board council may adopt reciprocal agreements with
 438 other beef councils or similar organizations relating to moneys
 439 collected by at Florida collection agents on cattle from other
 440 states and to Florida cattle sold at other state markets.

441 ~~(f) The collection agents shall be entitled to deduct 2.5~~
 442 ~~percent of the amount collected to retain as a reasonable~~
 443 ~~collection allowance prior to remitting the funds to the~~
 444 ~~council.~~

445 ~~(9)(11)~~ REFUNDS.—

446 (a) A producer who has had moneys deducted from his or her
 447 gross sales receipts under this section act is entitled to a
 448 prompt and full refund on request.

449 (b) The board council shall make available to all
 450 collection agents business forms for requesting refunds
 451 ~~permitting request for refund~~, which forms are to be submitted
 452 by the objecting producer within 45 days after the sale
 453 transaction takes place.

454 (c) A refund claim must include the claimant's signature,
 455 date of sale, place of sale, number of cattle, and amount of
 456 assessment deducted, and must have attached thereto proof of the
 457 assessment deducted.

458 (d) If the board council has reasonable doubt that a refund
 459 claim is valid, it may withhold payment and take such action as
 460 it considers necessary to determine the validity of the claim.
 461 Any dispute arising under this subsection shall be determined as
 462 specified in paragraph (8) (d) (10) (d).

463 (e) The board council shall take action on refund requests
 464 within 30 calendar days following the date of receipt of the

Page 16 of 17

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

21-01246A-15

20151220__

465 request.

466 (f) Only the producer may initiate a request for refund.

467 ~~(12) VOTE ON CONTINUING THE ASSESSMENT. Upon the delivery~~
468 ~~by certified mail to the Florida Beef Council office of~~
469 ~~petitions from at least 1,800 producers or 10 percent of~~
470 ~~Florida's producers as determined by the department, whichever~~
471 ~~is less, and stating "Shall the assessment authorized by the~~
472 ~~Beef Market Development Act continue?" the council shall, within~~
473 ~~90 days, conduct a referendum to determine whether a majority of~~
474 ~~the producers voting in the referendum support the continuation~~
475 ~~of the Beef Market Development Act. All signatures must be~~
476 ~~collected within a 12 month period. A referendum held under this~~
477 ~~subsection may not be held more than one time in a 3 year~~
478 ~~period. Qualifications for signature and vote are the same as~~
479 ~~those required in subsection (6).~~

480 (10)(13) BYLAWS.—The Florida Cattle Enhancement Board Beef
481 Council shall, within 90 days after the governing board is
482 appointed this act becomes a law, adopt bylaws to carry out the
483 intents and purposes of this section act. ~~The~~ These bylaws may
484 be amended with a 30-day notice to governing board members at
485 any regular or special meeting called for such this purpose. The
486 bylaws must conform to the requirements of this section act but
487 may also address any matter not in conflict with the general
488 laws of this state.

489 ~~(14) REPEAL. This section is repealed October 1, 2019,~~
490 ~~unless reviewed and saved from repeal by the Legislature.~~

491 Section 2. This act shall take effect July 1, 2015.

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/17/2015

Meeting Date

1220

Bill Number (if applicable)

Topic Beef Check-off

Amendment Barcode (if applicable)

Name Jim Handley

Job Title Exec. Vice - President

Address 800 Shakerag Road

Phone 407 8466221

Street

Kissimmee FL 34744

Email

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Cattlemen's 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.

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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)

3/17/15
Meeting Date

1220
Bill Number (if applicable)

Topic CATTLE MARKET DEVELOPMENT ACT

Amendment Barcode (if applicable)

Name LANCE PIERCE

Job Title ASST. DIRECTOR OF STATE LEGISLATIVE AFFAIRS

Address 315 S. CALHOUN ST Phone 202-258-1

Street

TALLAHASSEE

City

FL

State

32301

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA FARM BUREAU

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)

3-17-15
Meeting Date

1220
Bill Number (if applicable)

Topic Beef Marketing Act.

Amendment Barcode (if applicable)

Name Grace Lovett

Job Title Dir Leg. Affairs

Address PL 10 The Capitol

Phone 850 617 7700

Street

City

Tallahassee FL 32399

State

Zip

Email grace.lovett@freshfrom
Florida.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL Dept. of Agriculture & Consumer Services

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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Florida Department of Environmental Protection



Land Management Optimization

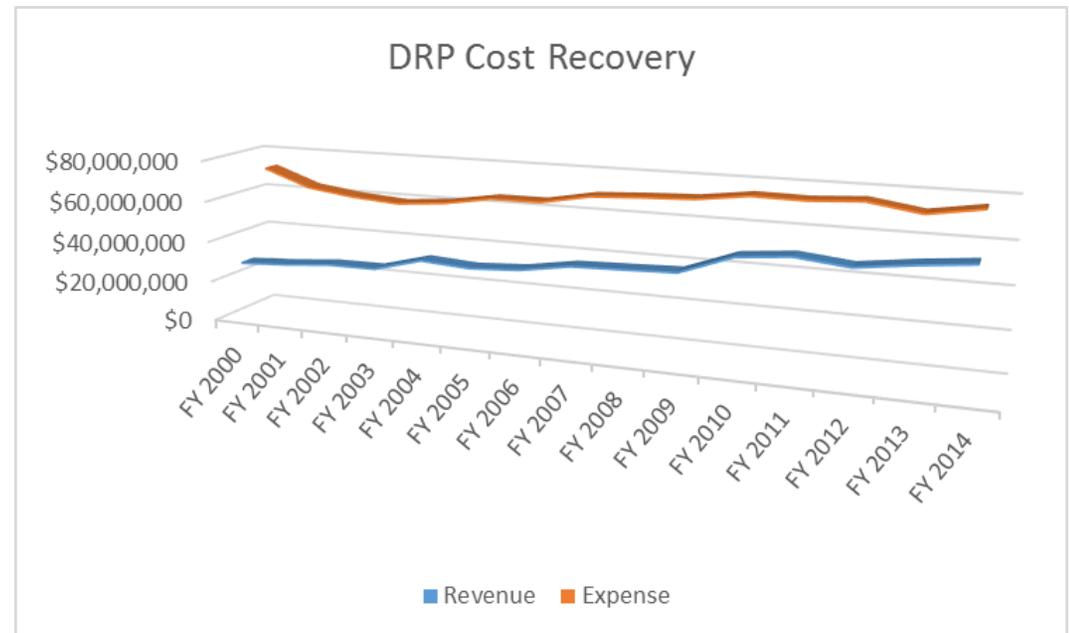
March 17, 2015





Agency Goals:

- Ecosystem Restoration
- Resource-based Recreation
- Land Management & Conservation





What is Optimization to DEP?

- Improve ecosystem values while generating revenues from the lands through increased visitors, timber and other sources.
- Incorporate a higher level of management activities that are driven by maximizing ecosystem and social values, thereby increasing visitor experience and number of park visits.
- Allow to optimize the long-term plan (e.g., 100 years) to effectively forecast and understand the outcomes of management decisions today and into the future.



Create Efficiencies Through Innovation

Funding allocation:

- ✓ Planning.....\$6M
 - assess resources
 - determine objectives & constraints

- ✓ Modernization.....\$3M
 - optimization modeling

- ✓ Restoration.....\$11M
 - hydrologic
 - reduce risk of catastrophic loss
 - invasive species control

- ✓ Maintenance & upgrades to management units.....\$10M



Planning & Optimization Solution: Natural Disturbance Risk



Pumpkin Hill Preserve State Park

Ensure continued fire load reduction to eliminate potential catastrophic events



Planning & Optimization Solution: Watershed Management



Proper land management activities (i.e., thinning, selective harvesting, and species conversion) result in increased water quantity and quality for aquifers.



Planning & Optimization Solution: Threatened & Endangered Species Habitat



Strategies to increase the supply of habitat by changing the vegetative condition to meet habitat requirements.



Planning & Optimization Solution: Public Access



Florida State Parks 2012 Photo Contest
www.FloridaStateParks.org

Photo by Chantal Wilford
Myakka River State Park

Manage the lands to improve visual quality and utility in areas where there is active public use.



Planning & Optimization Implementation

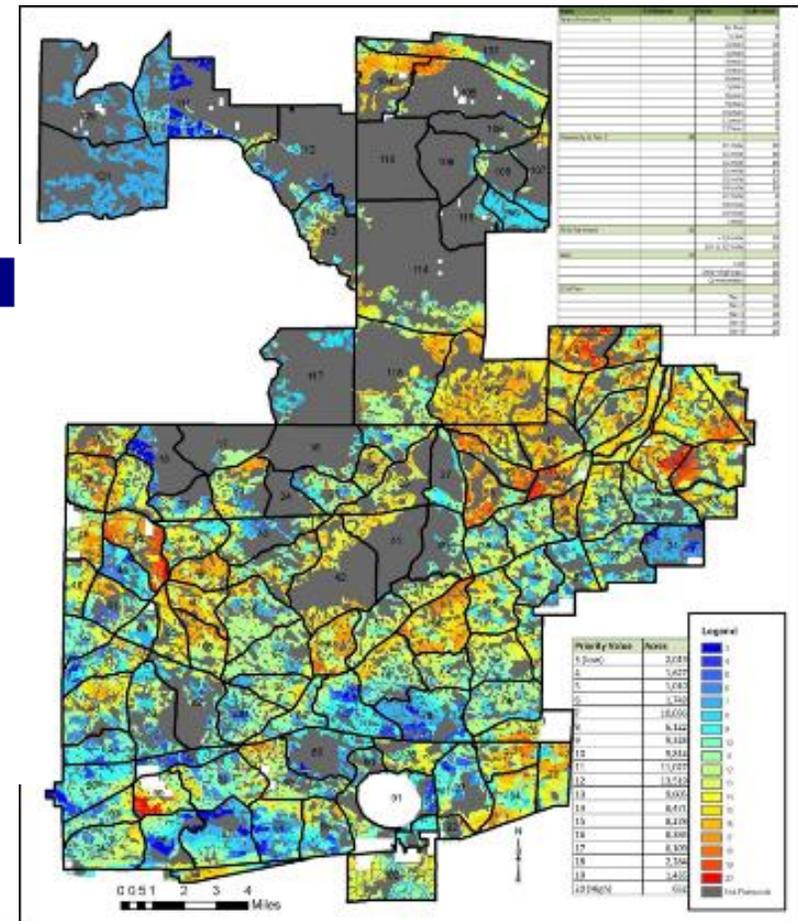
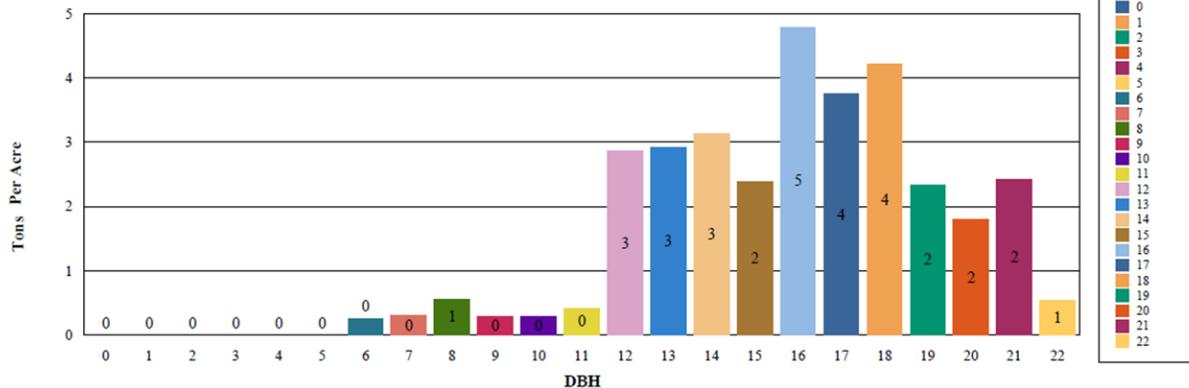
Maintenance Fire Prioritization Model

Allow the managers to set out a strategic path and fully understand the outcomes from the strategy both in the short-term and long-term.

Test1

Tons Per Acre By Diameter Class

For E0701_6





Department of Environmental Protection



Planning & Optimization Implementation: Analysis

Operational Costs of State-Managed Conservation Land Management Units (FY 2013-14)

Management Unit	Lead Agency	Total Acres	Operational Costs of Unit Management	Unit Mgmt. Operational Costs per Acre	Revenues Generated in FY	Net Op. Costs – Revenues per Acre
Terra Ceia Preserve State Park	DRP	1,948	\$109,974	\$56.45	\$0	\$56.45
The Barnacle Historic State Park	DRP	9	\$263,896	\$27,984.77	\$54,086	\$22,249.25
Three Rivers State Park	DRP	668	\$256,721	\$384.30	\$110,053	\$219.55
Tomoka State Park	DRP	1,620	\$848,562	\$523.77	\$467,505	\$235.21
Topsail Hill Preserve State Park	DRP	1,643	\$1,236,346	\$752.27	\$2,704,431	-\$893.28
Torreya State Park	DRP	13,735	\$393,063	\$28.62	\$92,780	\$21.86

LMUAC Report 2014



Planning & Optimization Implementation: Analysis

Management Unit	Self-sustaining Status
Terra Ceia Preserve State Park	0%
The Barnacle Historic State Park	20%
Three Rivers State Park	43%
Tomoka State Park	55%
Topsail Hill Preserve State Park	219%
Torrey State Park	24%



Planning & Optimization Implementation: Example – Topsail Hill Preserve State Park





Planning & Optimization Implementation: Example – Torreya State Park



The Nature Conservancy
Protecting nature. Preserving life.™





Successful Implementation of Optimization Planning Washington DNR

Industry example	How optimization changed process	Result
<p>Washington State DNR – Multi-objective management. Manages more than five million acres of land – forests, farms, commercial properties and underwater lands. Since 1970, DNR’s trust lands have generated revenue to support public schools, state universities, institutions and county services. Additionally, the agency plays an important role in conservation of habitat for listed, threatened and endangered plant and animal species under the endangered Species Act.</p>	<p>Modified forest activity (harvesting, etc.) to improve wildlife habitat conditions while maintaining revenue to fund schools and healthcare.</p>	<p>Established policies that provide optimal habitat conditions to support owls, murrelets, salmon and other species, while increasing revenue production for schools and other trust beneficiaries.</p> <p>The proposal earned more money in the short-term and created more suitable northern spotted owl habitat in the long-term without a significant decrease in the long-term sustainable harvest. 8% increase in NPV and 28% increase in spotted owl habitat.</p>



Successful Implementation of Optimization Planning Minnesota DNR

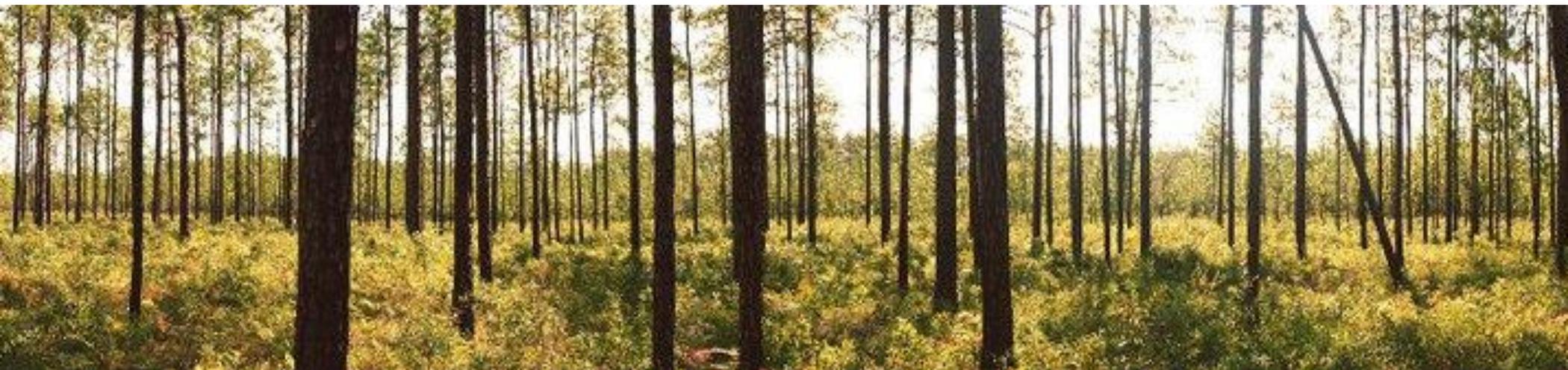
Industry example	How optimization changed process	Result
Minnesota State DNR – Uses the science of Optimization to prove that there is room for increased harvesting activities.	Were able to increase their annual allowable cut because of optimization showing that they were sustainably managing their wood supply over the long term.	They have almost doubled their revenue while sustainably managing their land for long term



Department of Environmental Protection



It's not just the land....it's people, it's jobs, the environment and tourism....



It impacts all of us.

Florida's State Forests

2013-14 Working Landscape Update

FLORIDA FOREST SERVICE

Jim Karels, Director Florida Forest Service

Senate General Government Appropriations Subcommittee

Sen. Alan Hays, Chair

March 17, 2015



Florida Forest Service

The Mission...

- To protect Florida and its people from the dangers of wildfire and manage the forests through a stewardship ethic so that they will be available for future generations.



Florida Forest Service

State Forest Management 37 state forests managed for multiple use FY 2013-14

- 1,068,074 Total State Forest Acres
 - 22,838 Acres Treated for Invasive Exotics
 - 5,616 Miles of Roads Managed
 - 125 Bridges Maintained
 - 1,236 Miles of Trails Managed
 - 978 Improved Campsites Managed
 - 96 Percent Open to Hunting (1,018,227 Acres)



Florida Forest Service: Revenue

Forest Revenue Sources

• **\$6,409,398** in timber and other forest products revenue

• **\$1,116,077** in recreation revenue

- Timber
- Cabbage Palms
- Grazing Lease
- Citrus Lease
- Apiary
- Pine Straw
- Palm Fronds
- Christmas Trees



Florida Forest Service

Prescribed Fire/Reforestation FY 2013-14

Prescribed Fire

- Prescribed Fire Acres: 214,306
- Five Year Prescribed Fire Total: 828,120 acres

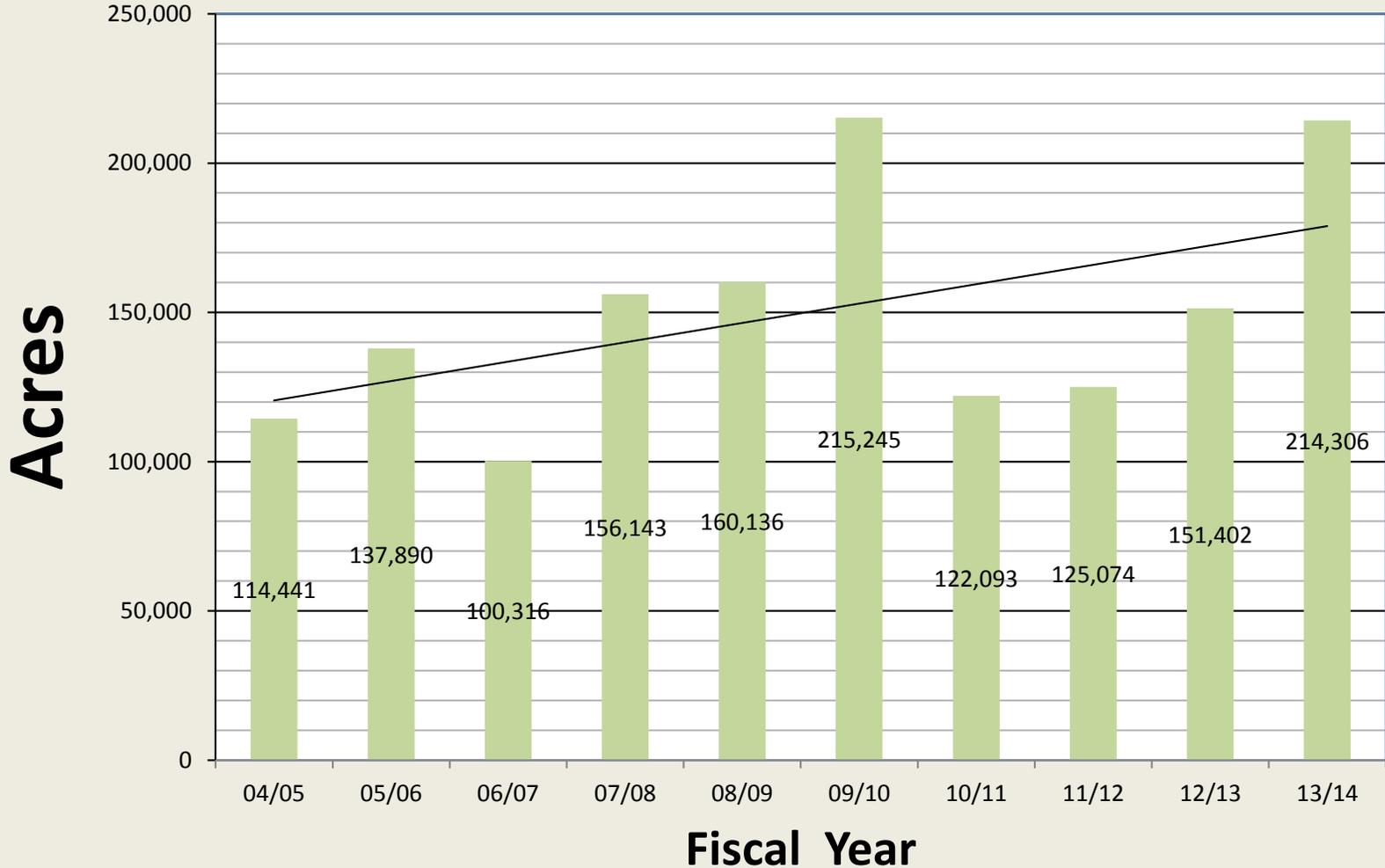
Reforestation and Forest Growth and Management

- Acres reforested: 2,638
- Trees planted: 1.9 Million



Florida Forest Service

Total Acres Burned on State Forests by Fiscal Year



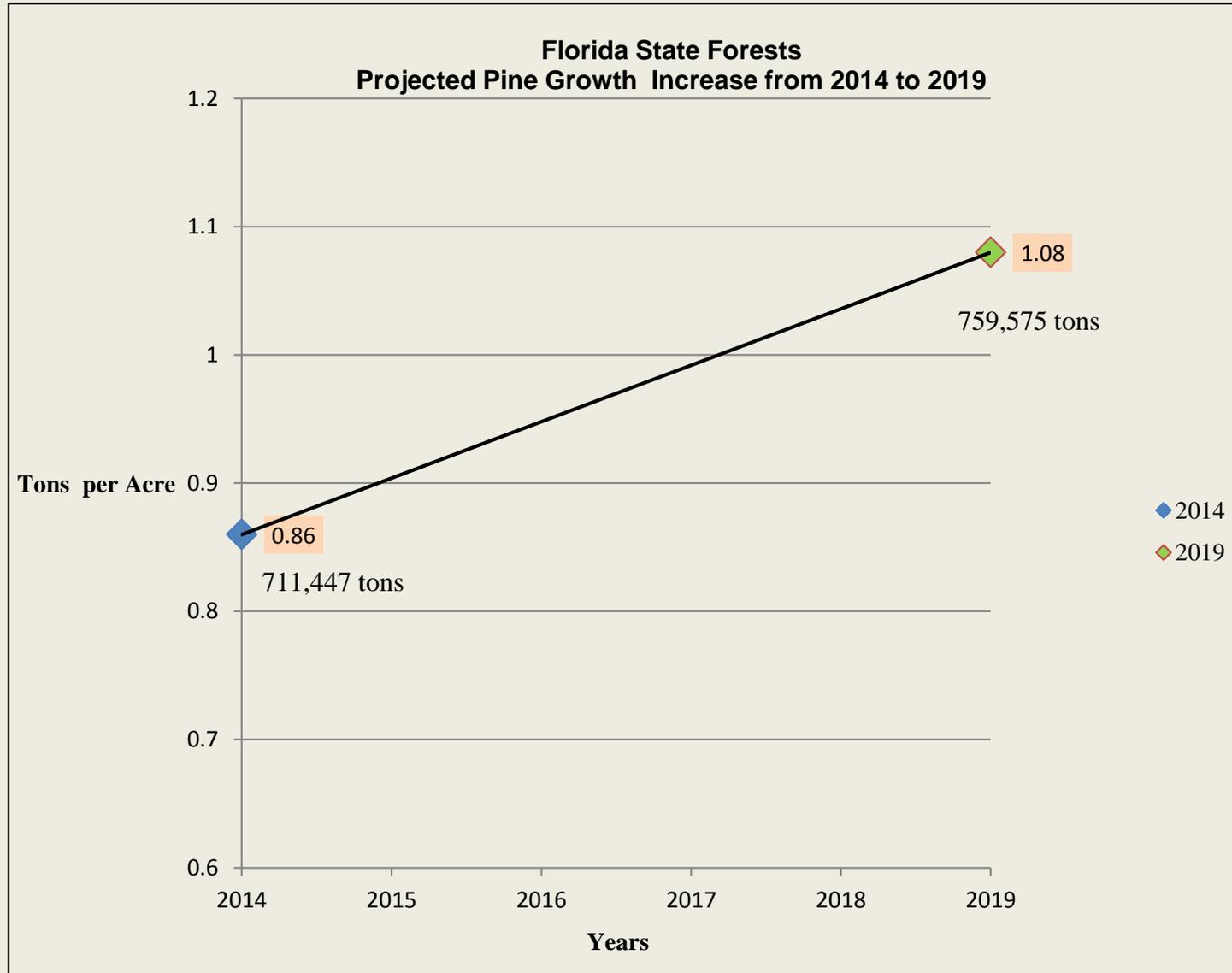
Florida Forest Service: Looking Ahead

During the downturn in the economy the FFS focused on providing public access, prescribed fire, healthy forest management, revenue generation and reforestation efforts.

- **FFS's future goals will focus...**
 - Maintenance and construction of facilities
 - Maintenance and construction of roads, bridges, trails heads, and boundaries that supports public access to our lands
 - Increased prescribed fire and reforestation
 - Habitat and hydrological restoration, reforestation and treatment of invasives



Florida Forest Service: 5-year Goal



Florida Forest Service

Legislative Budget Request FY 2015-16

- **\$2.5 million in trust** for State Forest road and bridge maintenance and repairs.
- **\$2.4 million in trust** for State Forest facility maintenance, repairs and construction.
- **\$164,000 in trust** for 2 FTEs to support land management activities at Babcock Ranch and Peace River State Forest (both new properties).



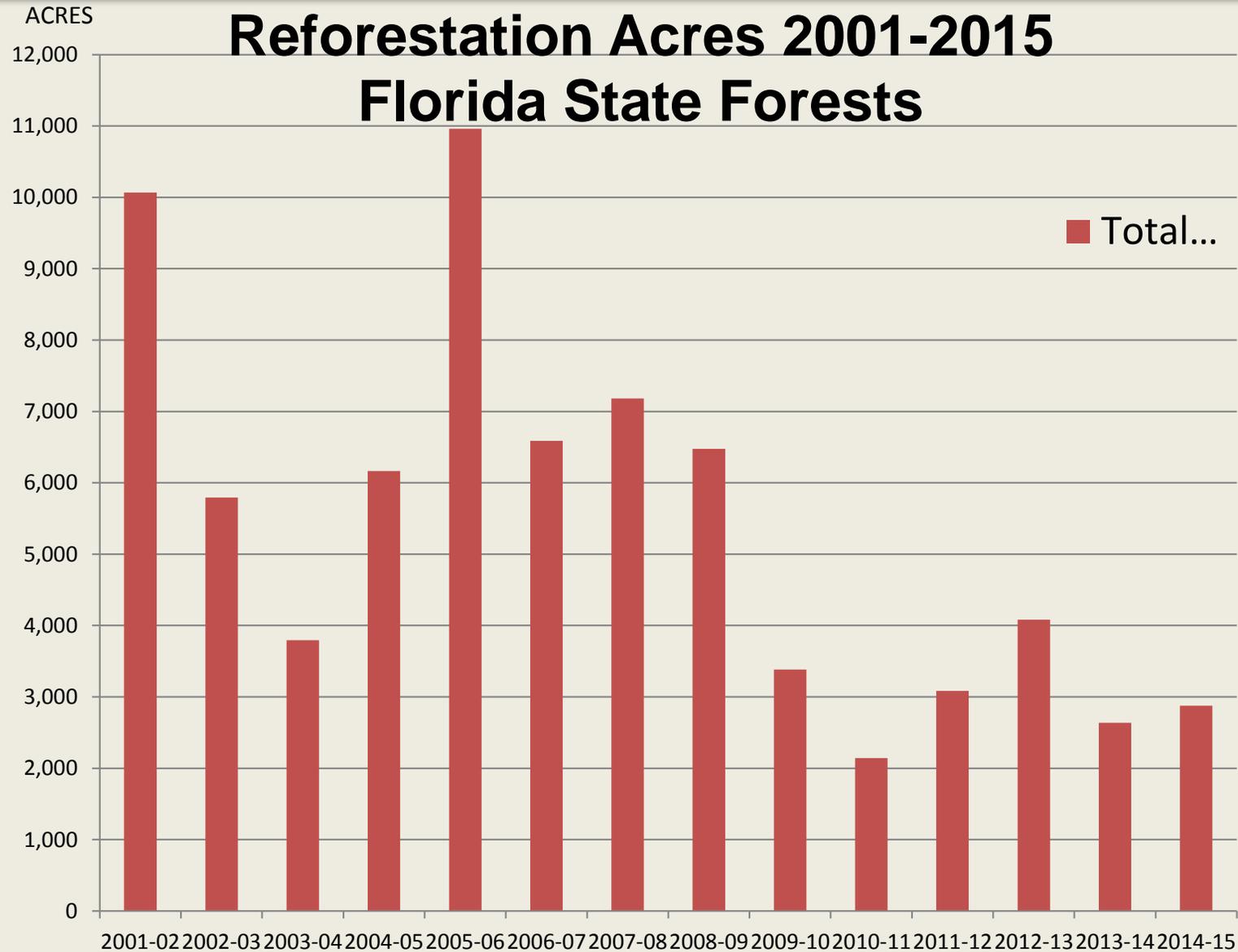
Florida Forest Service

Legislative Budget Request FY 2015-16

- **\$2 million in trust** to support State Forest reforestation projects and invasive plant control on state lands.
- **\$250,000 in trust** for State Forest Boundary Surveys.



Florida Forest Service



Florida Forest Service

QUESTIONS

- Florida Forest Service
- 3125 Conner Boulevard
- Tallahassee, Florida 32399
- 850-681-5800
- FFSsupport@FreshFromFlorida.com



Land Management and Conservation



Nick Wiley, Executive Director
Florida Fish and Wildlife Conservation Commission
March 17, 2015

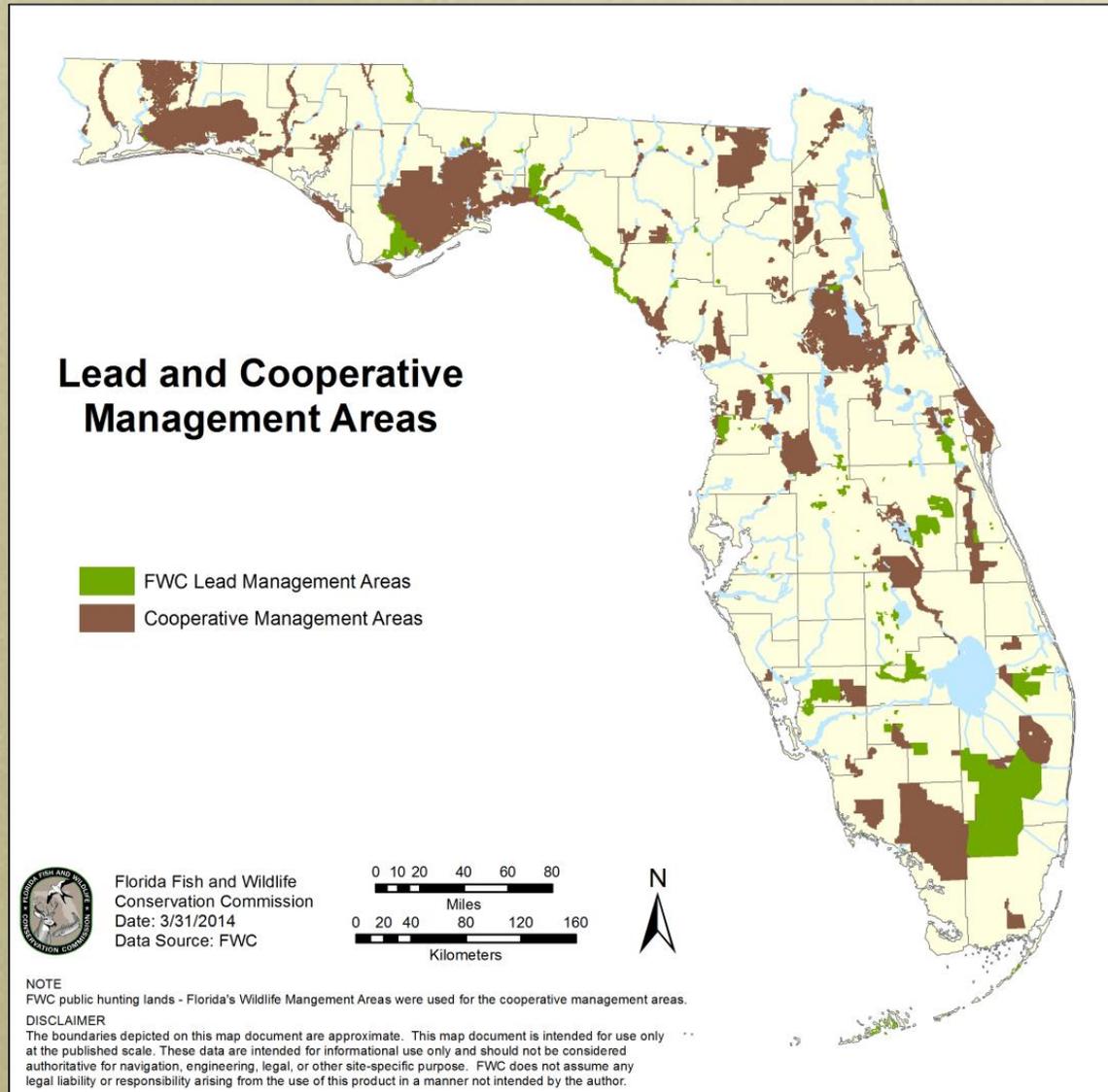
Wildlife Management Area System

5.8 Million Total Acres

FWC Lead
(54 areas)

1.4 Million
Acres

\$18.67 per
acre to
manage



FWC Co-op
(93 areas)

4.4 Million
Acres

\$6.85 per
acre to
manage



Focus on Actively Managing Fish and Wildlife Resources

Habitat Management



Our Mission:
Managing fish and wildlife resources for their long-term well-being and the benefit of people.

Fish & Wildlife Management



Public Access and Use



Managing Habitats



Additional Request: \$6,330,000

Treating Invasive Plants

Before Treatment



After Treatment



Old World Climbing Fern

Additional Request: \$1,300,000



Survey and Management of Fish and Wildlife Resources

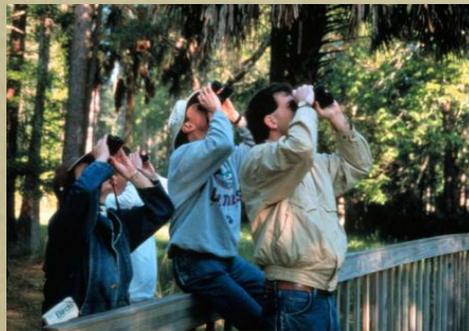
- Manage Populations
- Monitor for Trends and Health
- Harvest Regulations
- Imperiled Species



Additional Request: \$2,375,000

Providing Public Access and Use

- Hunting
- Hiking
- Camping
- Bird watching
- Geo Caching
- Environmental Education



- Fishing
- Biking
- Equestrian
- Paddling
- Photography
- Orienteering

2.7 million visitors to lead areas, 2013-2014

Additional Request: \$6,980,000



Maintaining Equipment



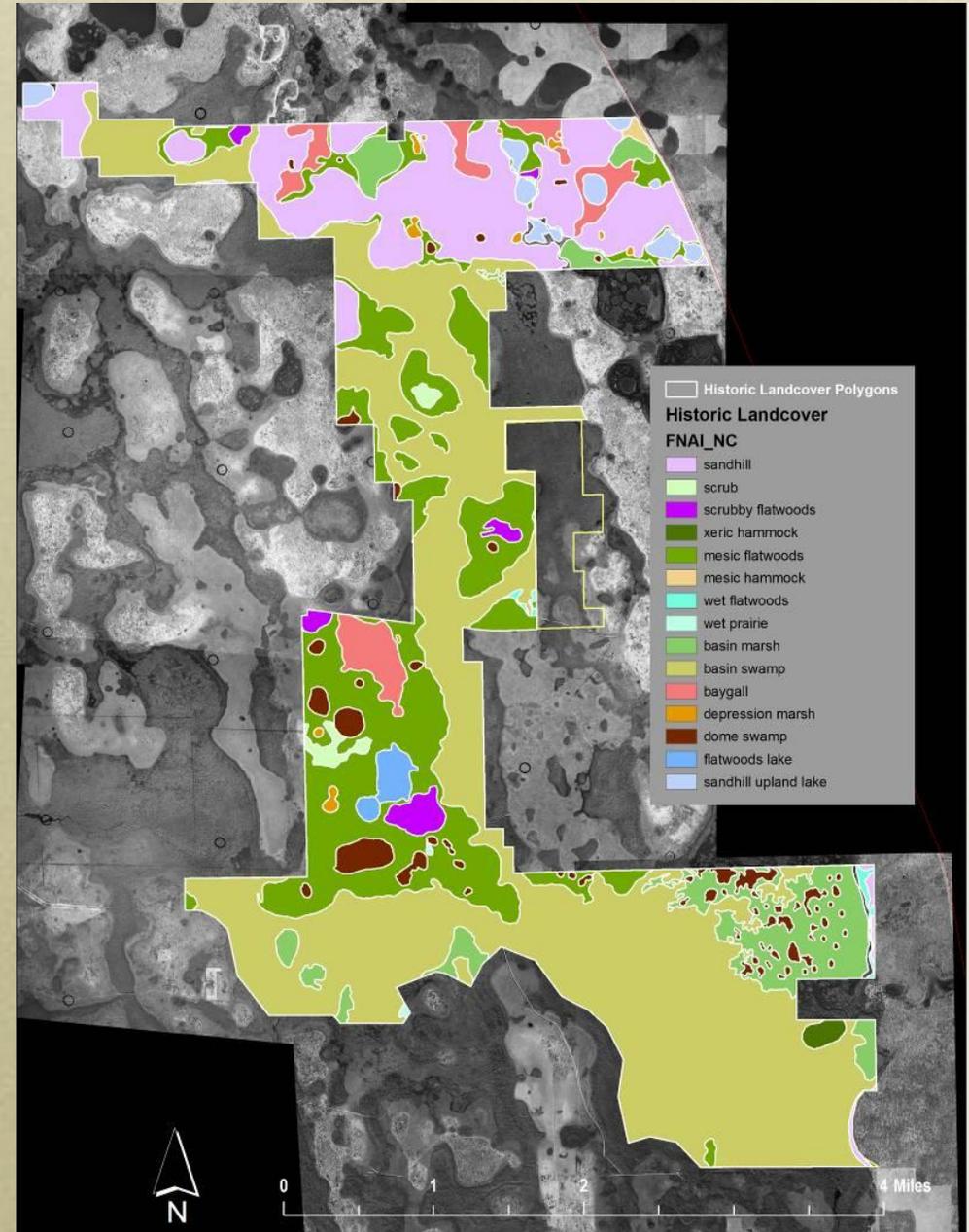
- Habitat Enhancement
- Prescribed Fire
- Road Improvement



Additional Request: \$2,600,000

Culture of Continuous Improvement

- Objective-based Vegetation Management
- Land Management Information System
- Enterprise Risk Management



Value of Wildlife Management Areas



- Annual Economic Benefit-most important in rural communities.
- Important tourist destination for wildlife viewing, hiking, paddling
- Provide readily accessible and affordable public hunting and fishing experiences
- Ensure long term well being of fish and wildlife habitat and species.



Supporting an Economic Pillar of Florida

<u>Category</u>	<u>Economic Contribution</u>	<u>Jobs</u>
Hunting	\$1.6 Billion	14,700
Freshwater Fishing	\$1.7 Billion	14,000
Wildlife Viewing	\$4.9 Billion	44,600



Thank You



APPEARANCE RECORD

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

3/17/15

Meeting Date

Bill Number (if applicable)

Topic Land Management

Amendment Barcode (if applicable)

Name Jon Stevenson

Job Title Secretary - FL Dept. of Environmental Protection

Address 3900 Commonwealth Blvd

Phone

Street

Tallahassee

FL

32303

Email

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing DEP

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

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3/17/15
Meeting Date

Bill Number (if applicable)

Topic LAND MANAGEMENT

Amendment Barcode (if applicable)

Name NICK WILEY

Job Title EXECUTIVE DIRECTOR

Address 620 S. MERIDIAN
Street
TALLAHASSEE FL 32399
City State Zip

Phone 487-3796

Email NICK.WILEY@MYFWC.COM

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FWC

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD

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3/17/15
Meeting Date

Bill Number (if applicable)

Topic WATER

Amendment Barcode (if applicable)

Name TOM RIEDER — PETERSCHNEELY

Job Title DADE CO. FARM BUREAU

Address 39205 SW 217 AVE
Street

Phone 35 992-2058

HOMESTEAD FL 33030
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing DADE CO FARM BUREAU

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

GWEN MARGOLIS

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CourtSmart Tag Report

Room: EL 110
Caption: Senate Appropriations Subcommittee on General Government

Case:

Type:
Judge:

Started: 3/17/2015 2:04:59 PM

Ends: 3/17/2015 3:14:48 PM

Length: 01:09:50

2:05:03 PM Sen. Hays (Chair)
2:06:17 PM TAB 1 - Review and Discussion of Fiscal Year 2015-2016 Budget Issues
2:08:17 PM SB1050
2:08:28 PM Sen. Montford
2:09:14 PM Sen. Hays
2:09:23 PM Am. 606928
2:09:31 PM Sen. Montford
2:09:50 PM Sen. Hays
2:10:17 PM Am. 557136
2:10:28 PM Am. 104186
2:10:38 PM Sen. Montford
2:11:01 PM Sen. Hays
2:11:17 PM SB 1050 (Con't)
2:11:24 PM Grace Lovette, Director of Legislative Affairs, Fl. Dept. of Agriculture and Consumer Services
2:12:06 PM SB 558
2:12:21 PM Rachel Barnes, Senator Stargel's Aide
2:12:40 PM Sen . Hays
2:12:52 PM David Mica Jr., Deputy Director of Officer of Legislative Affairs, Dept. of Business and Professional Regulation (waives in support)
2:12:54 PM Andy Palmer, Lobbyist, Florida Restaurant and Lodging Association (waives in support)
2:13:04 PM Sen. Hays
2:13:33 PM SB 608
2:13:39 PM Rachel Barnes, Senator Stargel's Aide
2:14:12 PM Sen. Hays
2:14:16 PM Am. 632958
2:14:27 PM R. Barnes
2:14:33 PM Sen. Hays
2:14:50 PM SB 608 (con't)
2:14:53 PM David Mica, Jr., Deputy Director of Officer of Legal Affairs, Department of Business and Professional Regulation (waives in support)
2:15:00 PM Sen. Hays
2:15:37 PM SB 694
2:15:43 PM Joel Ramos, Senator Ring's Aide
2:16:31 PM Sen. Hays
2:16:47 PM Cody Schwarz, Deputy Director, Department of Management Services (waives in support)
2:17:00 PM Sen. Hays
2:17:27 PM SB 1220
2:17:33 PM Marty Mielke, Senator Grismley's Aide
2:18:13 PM Sen. Hays
2:18:22 PM Jim Handle, Executive Vice President, Florida Cattlemen's Association
2:18:24 PM Lance Pierce, Assistant Director of State Legislative Affairs, Florida Farm Bureau (waives in support)
2:18:30 PM Grace Lovette, Director of Legal Affairs, FL Department of Agriculture and Consumer Services (waives in support)
2:18:39 PM Sen. Hays
2:21:35 PM Jon Steverson, Secretary, Department of Environmental Protection
2:35:31 PM Sen. Hays
2:35:41 PM Jim Karels, Director of Florida Forest Service, Department of Agriculture and Consumer Services
2:38:25 PM Sen. Hays
2:41:01 PM J. Karels
2:51:49 PM Sen. Hays
2:52:02 PM J. Karels
2:53:14 PM Sen. Hays

2:53:15 PM J. Karels
2:53:19 PM Sen. Hays
2:53:22 PM Sen. Altman
2:53:42 PM J. Karels
2:54:17 PM Senator Altman
2:54:22 PM J. Karels
2:54:44 PM Sen. Altman
2:54:46 PM J.Karels
2:54:50 PM Sen. Altman
2:54:54 PM J. Karels
2:54:58 PM Sen. Altman
2:55:03 PM J. Karels
2:55:34 PM Sen. Hays
2:55:53 PM Sen. Dean
2:56:11 PM Sen. Simpson
2:56:19 PM Sen. Hays
2:56:22 PM Nick Wiley, Executive Director, Fish and Wildlife Conservation Commission
3:07:14 PM Sen. Altman
3:07:15 PM Senator Hay
3:08:27 PM J. Karels
3:09:46 PM Sen. Altman
3:11:00 PM Sen. Hays
3:11:08 PM Tom Rieder - Peter Schnebly, Dade County Farm Bureau
3:14:38 PM Sen. Hays