

**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.)

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Prepared By: The Professional Staff of the Committee on Agriculture

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**BILL:** CS/SB 740

**INTRODUCER:** Agriculture Committee and Senator Stargel

**SUBJECT:** Department of Agriculture and Consumer Services

**DATE:** January 11, 2018      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Akhavein	Becker	AG	<b>Fav/CS</b>
2.			AEN	
3.			AP	

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**Please see Section IX. for Additional Information:**  
COMMITTEE SUBSTITUTE - Technical Changes

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**I. Summary:**

CS/SB 740 addresses issues related to agriculture and certain powers and duties of the Department of Agriculture and Consumer Services (department). It:

- Provides that screen enclosed structures used in citrus production for pest exclusion, when consistent with department adopted best management practices, have no separately assessable value for purposes of ad valorem taxation;
- Shifts the issuance of a local oyster harvesting license for Apalachicola Bay from the department to the City of Apalachicola;
- Removes the electronic payment mandate for pesticide registration payments;
- Allows persons who have served as a military firearms-instructor within the last three years of military service to obtain and to maintain a Class “K” firearms instructor license;
- Creates an additional method of recertification for Class “K” firearms instructor licensees;
- Prohibits comingling charitable and noncharitable funds collected through solicitation or sponsor sales and requires organizations to keep detailed records;
- Prohibits ringless direct-to-voicemail solicitation telephone calls under Florida’s Do Not Call statute and adds the opportunity for businesses to add their telephone numbers to the DNC list;
- Revises department sampling and analysis requirements for antifreeze;
- Allows for the lawful seizure of “skimming devices” by department inspectors;
- Revises application requirements and fees for brake fluid brands;

- Makes the Commissioner of Agriculture responsible for liquefied petroleum gas (LPG) insurance issues instead of the Governor of Florida;
- Consolidates and reduces the number of LPG categories and expands the license period from one to three years;
- Eliminates the original and renewal LPG fee structure and replaces it with a new revenue neutral fee structure;
- Updates the dollar threshold for required reporting of LPG accidents from \$1,000 to \$3,000;
- Extends the expiration date for seven Weights, Measures, and Standards sections from July 1, 2020 to July 1, 2025;
- Clearly defines the Commissioner of Agriculture's authority to waive fees during emergencies;
- Updates the Florida Seed Law in to response to technological and federal regulatory changes;
- Authorizes the department to cover the cost of the initial Commercial Driver's License (CDL) examination fee for those Florida Forest Service employees whose positions entail operating CDL-requiring equipment;
- Requires the department to expedite the resolution of issues concerning eligibility requirements for a concealed weapon or firearm license and to issue licenses in absence of disqualifying information within 90 days of the receipt of a completed application;
- Permits tax collectors' offices to provide fingerprinting and photographing services to complete online concealed weapon and firearm license applications and allows tax collectors to print duplicate licenses, the distribution of which is contingent upon approval of the department; and
- Creates the "Government Impostor and Deceptive Advertisements Act" to prevent Florida consumers and businesses from being scammed by companies selling free government forms or mimicking government services.

## II. Present Situation:

Information for the analysis of SB 740 was provided by the Department of Agriculture and Consumer Services in a November 15, 2017, analysis.

### **Citrus Protection Structures**

Section 196.461, F.S., Florida's "greenbelt law," allows properties classified as bona fide agricultural operations to be taxed according to the "use" value of the agricultural operation, rather than the development value. Generally, tax assessments for qualifying lands are lower than tax assessments for other uses. For purposes of the income methodology approach to assessment of property used for agricultural purposes, certain structures that are physically attached to the land are considered a part of the average yields per acre and have no separately assessable contributory (taxable) value. These structures include the following:

- Irrigation systems, including pumps and motors;
- Litter containment structures located on producing poultry farms and animal waste nutrient containment structures located on producing dairy farms; and

- Structures or improvements used in horticultural production for frost or freeze protection, which are consistent with the interim measures or best management practices adopted by the department.

### **Apalachicola Bay Oyster Harvesting Licenses**

Florida residents and non-residents seeking to harvest oysters from Apalachicola Bay must purchase an annual Apalachicola Bay Oyster Harvesting License (ABOHL) from the department if commercial quantities are being harvested and they are 18 years old or older. Such licenses are valid from July 1<sup>st</sup> through June 30<sup>th</sup>. Individuals applying for the ABOHL between May 17<sup>th</sup> and June 30<sup>th</sup> receive the required Fish and Wildlife Conservation Commission Saltwater Products License in conjunction with the ABOHL without any additional fees. License fees are deposited into the General Inspection Trust Fund and are used by the department to support oyster shell planting activities in Apalachicola Bay.

### **Pesticide Registration Fees**

Currently, payments of all pesticide registration fees are submitted electronically by using the department's website. Some pesticide registrants would prefer to mail checks, which the proposed legislation would allow.

### **Firearm Licenses**

Some veterans acquired firearms instructor training during their service and are allowed to obtain initial licensure as a Florida firearms (Class "K") instructor through relevant credit for military training. However, there is no current avenue for these veterans to renew their license because current law only recognizes current instructor certification from the Florida Criminal Justice Standards and Training Commission, from the National Rifle Association (NRA), or from a federal law enforcement agency. These avenues, which are used for both initial and continuing education, are either not available for veterans with this experience, or as in the case of the NRA instructor certification, not logical in that it requires a person to have worked at least three years as an armed security guard.

### **Solicitation of Funds**

Many states require organizations soliciting charitable contributions to have a separate account for their non-charitable funds. Currently, Florida law does not contain an explicit prohibition regarding the comingling of charitable and non-charitable monies, nor does it contain recordkeeping provisions related to delineating between charitable and non-charitable transactions. Therefore, when Attorney General Office prosecutors and/or departmental regulators investigate allegations of misuse of charitably-solicited funds, their job is made many times more challenging by the need to decouple charitable and non-charitable monies in the accounting records under consideration.

### **Water Vending Machines**

Water vending machine applicants must submit forms to the department "in writing," thus prohibiting the use of digital applications. Eliminating the "in writing" requirement would decrease processing time and improve customer service. The department issues serialized permit ID decals to approved vending machine owners. The bill deletes this requirement because the serialized decals are inconsistent with non-serialized decals used in other departmental inspection programs.

**Telephone Solicitation**

Advances in ringless communication technology allow telemarketers to directly deliver voicemail messages without causing a customer's telephone to ring. A company recently filed a petition with the Federal Communications Commission (FCC) requesting that the agency declare such communications exempt from federal Do Not Call (DNC) regulations. After the FCC received more than 80,000 opposing comments, the company withdrew its petition without receiving an FCC ruling on ringless technology. The department believes that ringless communication constitutes a telephonic sales call under the state's DNC statute. In the absence of a federal rule regarding this technological innovation, the department believes adding a state prohibition of ringless voicemails is necessary.

Currently, telemarketers have no recordkeeping requirements. Investigations of one or two complaints often reveal patterns of behavior. However, in the absence of records, it is difficult to establish violations of both the DNC and Telemarketing Acts.

**Credit and Debit Card Skimming Devices**

Last year, the department identified 340 credit and debit card skimming devices for seizure, in connection with gasoline and oil inspections. When department inspectors locate the devices, they contact the Office of Agriculture Law Enforcement (OALE), or when geographic and staffing issues prevent a response from OALE, local law enforcement is asked to remove the devices. Law enforcement personnel must seize the illegal devices and maintain a proper chain of custody for future legal proceedings. Inspectors often wait at a site for an average of two to three hours per incident because these are non-emergency requests. This takes approximately 680-1,020 staff hours per year. The time spent waiting on a law enforcement response is a drain on personnel resources and prevents inspectors from checking other locations for similar devices.

**Petroleum Inspection**

The department regularly conducts inspections of the petroleum distribution system and analyzes samples of petroleum products to ensure that Florida consumers are getting the amount they pay for and the quality they expect. Gasoline, alternative fuels, kerosene, diesel, fuel oil, antifreeze products, and brake fluid products are routinely tested and must meet strict standards.

**Antifreeze**

Currently, there are separate definitions in the statutes for the terms antifreeze coolant, antifreeze, and summer coolant. The bill would remove the unnecessary distinction between coolant types because the differences among these fluids are inconsequential for the purposes of the law.

Samples of all antifreeze brands and products must be submitted to the department's Bureau of Standards laboratory for annual testing prior to registration, even if the products have previously been tested and offered for sale in Florida. As such, applicants are not allowed to rely on certified reports from independent testing laboratories in lieu of departmental testing. Notwithstanding these seemingly stringent requirements, testing oversight is limited under current law because companies are permitted to select their own samples and rarely is random sampling or retesting performed.

The bill would also make antifreeze formula requirements consistent with the internal departmental testing specified in the above paragraph. Currently, the department does not have access to an antifreeze manufacturer's formula in order to confirm the independently conducted testing results that would be submitted with an application.

### **Brake Fluid**

Applicants must submit all brake fluid brands and products to the Bureau of Standards' laboratory for testing prior to initial registration. Despite this requirement, there are no assurances that the samples the department tests are the same as the products being offered for sale since the applicant collects and ships samples directly to the laboratory.

### **Sale of Liquefied Petroleum Gas**

The department recently collaborated with the Florida LP Gas Association and other industry leaders to modernize the laws that govern Liquefied Petroleum Gas. This will align the law with current business practices, simplify the registration process and fee structure, and streamline the regulatory structure.

### **Weights, Measures, and Standards**

The department tests, inspects, and regulates the operation of weighting and measuring devices used in commercial transactions. The program is funded through permit fees which have a statutory ceiling. Originally, there was a July 1, 2014, sunset provision, which the Legislature extended until July 1, 2020. Unless the Legislature reenacts this provision, the current permitting fee-structure for weighing and measuring devices will expire in two years. The industries that use measurements in commercial transactions support extending the licenses and the associated fees.

### **Florida Seed Law**

Technological and federal regulatory changes have created the need for Florida to update and reorganize its Seed Law contained in chapter 578, F.S. By modernizing the law, Florida will align itself with the provisions of the Recommended Uniform State Seed Law, the Federal Seed Act, and the Plant Variety Protection Act, as well as the requirements of neighboring states. The proposed changes will promote interstate commerce and regulatory consistency across state lines, which will afford stakeholders a better understanding of Florida's Seed Law. The department believes optimizing regulation and decreasing regulatory compliance costs will allow Florida's seed industry to become more competitive and better equipped to feed Florida's growing population.

### **Forest Protection**

The Florida Forest Service (FFS) has 20 different job classes that require a Class A or B Commercial Driver's License (CDL) as a condition of employment. In any given year, the FFS has approximately 80 new employees (mostly Forest Rangers) that must obtain their Class A or B CDL. The Department of Financial Services' *Reference Guide for State Expenditures* prohibits the use of public funds to pay license or examination fees under Chapter 691-40.002(23), F.A.C. Allowing the department to use public funds to pay for the examination fees would help with employee recruitment and retention in job classifications that are already problematic.

**Weapons and Firearms**

During the 2014 Legislative Session, a bill was passed authorizing constitutionally-elected tax collectors throughout the state to accept concealed weapon license applications on behalf of the department. Subsequently, during the 2016 Legislative Session, the law was amended again to allow tax collectors to print and to furnish renewal licenses to concealed weapon license holders who submit a complete license renewal application to a tax collector's office, predicated upon approval of the department. As of June 2017, there were 44 tax collectors using the Concealed Weapon Intake System (CWIS) to offer application processing services in 50 office locations throughout the state. The department plans to put the CWIS hardware and software in nine new tax collectors' offices this fiscal year. This program has proved to be very successful because more citizens have used the tax collectors' office service to submit concealed weapon applications than mailed their applications to the department.

**Government Impostor and Deceptive Advertisement Act**

The department receives numerous complaints from consumers and businesses that have been scammed by companies selling free government forms or mimicking government services. Businesses that sell free government forms or trick businesses into filing unnecessary paperwork have operated in Florida for several years. The U.S. Post Office currently prohibits this type of mailing of federal government forms or program offers, however, currently, the only remedy is to throw away the offending material, which does not protect unsuspecting consumers. The state of Tennessee passed a similar bill in 2017 and several others are expected to propose language in 2018.

**III. Effect of Proposed Changes:**

**Section 1** amends s. 193.461, F.S., to provide that screen enclosed structures used in citrus production for pest exclusion, when consistent with department adopted best management practices, have no separately assessable value for purposes of ad valorem taxation.

**Section 2** s. 379.361, F.S., to transfer the responsibilities for Apalachicola Bay Oyster Harvesting licensure from the Department of Agriculture and Consumer Services (department) to the City of Apalachicola, Florida. It also allows annual license fees collected by the city to be used for the Apalachicola Bay oyster shell recycling program.

**Section 3** amends s. 487.041, F.S., to eliminate the requirement that payment of any pesticide registration fee must be submitted electronically using the department's Internet website.

**Section 4** amends s. 493.6105, F.S., to allow persons who have served as a military firearms-instructor within the last three years of military service to obtain and to maintain a Class "K" firearms instructor license.

**Section 5** amends s. 493.6113, F.S., to create an additional method of recertification for Class "K" firearms instructor licensees. Licensees would also be allowed to submit proof that they have taught at least six 28-hour firearms instruction courses to Class "G" statewide firearms license applicants during the previous triennial licensure period.

**Section 6** amends s. 496.415, F.S., to prohibit the comingling of charitable contributions with noncharitable funds in connection with the planning, conduct, or execution of any solicitation or charitable or sponsor sales promotion.

**Section 7** amends s. 496.418, F.S., to define noncharitable funds to include any funds that are not used or intended to be used for the operation of a charity or for charitable purposes. It also requires those soliciting charitable funds to keep accurate and separate sets of records to justify charitable expenses.

**Section 8** amends s. 500.459, F.S., to eliminate the requirement that water vending machine applicants must submit forms to the department “in writing.” This change would permit applications to be submitted electronically.

**Section 9** amends s. 501.059, F.S., to revise the term “telephone sales call” in order to keep pace with advances in ringless communication technology used by telemarketers to solicit sales from consumers. It also prohibits a telephone solicitor or other person to call or text a business that does not wish to receive an outbound telephone call or text message.

**Section 10** creates s. 501.6175, F.S., to require telemarketers to maintain specified records for two years after a consumer is contacted. A telemarketer must make records available for inspection and copying within 10 days after a department request.

**Section 11** amends s. 501.912, F.S., to revise the definition of “antifreeze” to include antifreeze-coolant, antifreeze and summer coolant, and summer coolant. This change consolidates separate definitions and removes the unnecessary distinction between coolant types.

**Section 12** amends s. 501.913, F.S., to allow applicants (person whose name appears on the label, the manufacturer, or the packager) to choose between a one-year or a two-year permit when registering antifreeze brands and products. It eliminates affidavit requirements when a registered brand is no longer in production or distribution. It also eliminates the requirement that the department independently test the fluids upon application. In lieu of departmental testing, all first time applicants would submit a certified report from an independent testing laboratory, dated within the last six months.

**Section 13** amends s. 501.917, F.S., to require the department to perform the analysis of all samples of antifreeze that are collected in the inspection of a business that sells antifreeze. The department’s certificate of analysis would be evidence that, if not overcome, would be sufficient evidence to demonstrate that the stated facts are true.

**Section 14** amends s. 501.92, F.S., to conform this section’s antifreeze formula requirements to the internal departmental testing requirements specified in s. 501.917, F.S.

**Section 15** amends s. 525.07, F.S., to allow department inspectors to seize without warrant any credit or debit card skimming device.

**Section 16** amends s. 526.51, F.S., to allow a brake fluid business to submit readily available product analysis reports for new products to the department. It allows businesses to register

products for 24 months, creating greater efficiency for the business as well as the department. It also eliminates affidavit requirements when a registered brand and formula combination is no longer in production or distribution.

**Section 17** amends s. 526.53, F.S., to require the department to perform the analysis of all samples of brake fluid that are collected in the inspection of a business that sells brake fluid. The department's certificate of analysis would be evidence that, if not overcome, would be sufficient evidence to demonstrate that the stated facts are true.

**Section 18** amends s. 527.01, F.S., to update definitions concerning liquefied petroleum gas (LPG) licensee categories so they will more accurately reflect current business practices. It also provides an optional expansion of the license period from one to three years.

**Section 19** amends s. 527.02, F.S., to revise the persons subject to liquefied petroleum business licensing provisions. It eliminates the original and renewal LPG license fee structure and replaces it with a new revenue neutral fee structure. It allows a licensee to make information changes for a \$10 fee, removing the requirement for the licensee to apply for a new license and again pay the full license fee. It also deletes pipeline system operator license provisions because they are now regulated by the federal government under 49 CFR 191 and 192.

**Section 20** amends s. 527.0201, F.S., to clarify the difference between qualifier and master qualifier registration and licenses pertaining to the sale of liquefied petroleum gas. It increases the requirements to achieve master qualifier status and removes the employer's name from master qualifier certificates issued by the department. It also removes the overly punitive 90-day registration revocation for firms without a master qualifier.

**Section 21** amends s. 527.021, F.S., to revise the circumstances under which liquefied petroleum gas bulk delivery vehicles must be registered with the department. The vehicle would be registered at the time it is placed into service or during the licensing application process by the LP gas dealer.

**Section 22** amends s. 527.03, F.S., to allow for 12, 24, or 36-month LPG licenses at the discretion of the licensee. It optimizes the application process by eliminating defined application periods.

**Section 23** amends s. 527.04, F.S., to make the Commissioner of Agriculture responsible for LPG insurance issues rather than the Governor of Florida.

**Section 24** amends s. 527.0605, F.S., to remove the requirement that licensees submit a site plan and a review fee for liquefied petroleum bulk storage container site inspections prior to commencing operations and allows for master qualifier compliance reviews. A final inspection by the department is still required prior to commencing operations.

**Section 25** amends s. 527.065, F.S., to update the dollar threshold for required reporting of LPG accidents from \$1,000 to \$3,000.

**Section 26** amends s. 527.10, F.S., to conform provisions to changes made by this act.

**Section 27** amends s. 527.21, F.S., to conform provisions to changes make by this act.

**Section 28** amends s. 527.22, F.S., to streamline the Florida Propane Gas Education, Safety, and Research Council nomination procedures.

**Section 29** amends s. 531.67, F.S., to extend the expiration date of seven Weights, Measures, and Standards sections which provide testing, inspections, and regulations for the operation of weighing and measuring devices used in commercial transactions. The date would be extended from July 1, 2020 to July 1, 2025.

**Section 30** amends s. 570.07, F.S., to clarify that the Commissioner of Agriculture has the authority during a state of emergency to waive fees for duplicate copies or renewal of permits, licenses, certifications, or other similar types of authorizations.

**Section 31** amends s. 573.111, F.S., to eliminate the requirement to post a notice on the public bulletin board in the Mayo Building in Tallahassee, FL, before the issuance, suspension, amendment, or termination of any marketing order covered by chapter 573, F.S., or departmental actions affecting marketing orders. This information would continue to be available on the department's website for individuals to review.

**Section 32** amends s. 578.011, F.S., to clarify and update the definitions in chapter 578, F.S., to reflect current technological developments in seed production.

**Section 33** creates s. 578.012, F.S., to explicitly provide for state preemption of the authority to regulate seed or matters relating to seed in order to eliminate regulatory duplication. A local government or political subdivision of the state may not enact or enforce any ordinance that regulates seed, including the power to assess any penalties for violations.

**Section 34** amends s. 578.08, F.S., to expand the definition of tree seed by deleting the limiting adjective "forest" and by including shrub seed into the types of seed that require registration. It eliminates the need for the department to issue written registration receipts, clarifies registration requirements for seed dealers, and requires registration and the payment of fees when packet seed is placed into commerce.

**Section 35** amends s. 578.09, F.S., to revise labeling requirements for agricultural vegetable, flower, tree, and shrub seeds. It also requires seed labels for agricultural seed, including lawn and turf grass seed and mixtures, to label hybrids as hybrids.

**Section 36** repeals s. 578.091, F.S., pertaining to forest tree seed. The provisions in this section have been moved to s. 578.09, F.S.

**Section 37** amends s. 578.10, F.S., to clarify the release from liability afforded to a person who unknowingly sells seed that is mislabeled. It requires sellers to take reasonable actions to ensure the identity of seed in cases involving criminal penalties for incorrect labels. It exempts seed under development or maintained for research purposes from the provisions of s. 578.09 and 578.13, F.S. because they are not commercially available to consumers or businesses.

**Section 38** amends s. 578.11, F.S., to make technical changes and to conform provisions to changes made by this act.

**Section 39** amends s. 578.12, F.S., to conform provisions to changes made by this act.

**Section 40** amends s. 578.13, F.S., to expand the definition of seed to include shrubs. It specifies that it is unlawful to move, handle, or dispose of seeds or tags under a stop-sale notice or order without permission from the department. It specifies that it is unlawful to represent seed as certified except under specified conditions or to label seed with a variety name under certain conditions.

**Section 41** repeals s. 578.14, F.S., relating to packet vegetable and flower seed. The section's registration requirements are moved to s. 578.08(5), F.S.

**Section 42** amends s. 578.181, F.S., to clarify when penalties may be imposed. It expands what constitutes obstruction of departmental efforts and clarifies that the pre-penalty warning letter requirement is appropriate for minor seed-related violations while fines and other administrative action may be taken for major seed-related violations.

**Section 43** amends s. 578.23, F.S., to reduce the seed record retention periods from three to two years. It adds a one-year seed holding requirement after final disposition and continues to require all such records and samples be made available for departmental inspection.

**Section 44** amends s. 578.26, F.S., to change the word "farmer" to the word "buyer." It allows buyers, instead of exclusively farmers, to file complaints with the Seed Investigation and Conciliation Council (SICC) which is given broader authority to recommend settlements beyond cost damages. It requires that any contested seed be planted in the state and that all administrative remedies be exhausted prior to commencing any legal action. It also restates that the department is to mail a copy of the SICC's procedures to each party once a complaint has been filed.

**Section 45** amends s. 578.27, F.S., to remove alternate membership from the SICC and revise the terms of members of the council. It revises the purpose of the council to assist buyers, instead of exclusively farmers, and seed dealers. It also clarifies language regarding inspections by the SICC of the complainant's farming operations and practices.

**Section 46** renumbers s. 578.28, F.S., pertaining to seed in hermetically sealed containers, as s. 578.092, F.S.

**Section 47** creates s. 578.29, F.S., to prohibit the presence of "prohibited noxious weed seed," as defined in s. 578.011, F.S., to be present in agricultural, vegetable, flower, tree, or shrub seed offered or exposed for sale in Florida.

**Section 48** amends s. 590.02, F.S., to authorize the department to cover the cost of the initial Commercial Driver's License (CDL) examination fee for those Florida Forest Service employees

whose positions entail operating CDL-requiring equipment. It authorizes the department to make rules to accomplish this provision.

**Section 49** amends s. 790.06, F.S., to revise department handling of incomplete criminal history information in relation to licensure to carry concealed firearms. It requires the department to expedite the resolution of issues concerning eligibility requirements for a concealed weapon or firearm license and to issue licenses in absence of disqualifying information within 90 days of the receipt of a completed application. It substitutes an oath for a notary requirement on applications to replace a lost or destroyed firearm license.

**Section 50** amends s. 790.0625, F.S., to expand services that authorized tax collector offices can provide for applicants of concealed weapon or firearms licenses. It allows tax collectors' offices to print duplicate licenses, the distribution of which is contingent upon approval and confirmation from the department. It permits tax collectors' offices to provide fingerprinting and photographing services to complete online concealed weapon and firearm license applications. It also revises the fees which a tax collector may collect and remit weekly to the department.

**Section 51** creates s. 817.417, F.S., to create the "Government Impostor and Deceptive Advertisement Act" to prevent Florida consumers and businesses from being scammed by companies selling free government forms or mimicking government services. It defines terms and specifies department duties and responsibilities. The act would prohibit mailings, emails, or websites that target Floridians without prominent disclaimers stating that the sales materials are not related to any government filing and/or that the information or forms can be obtained free of charge. Businesses would be required to give consumers the website or phone number of the agency that provides the free information or face potential fines.

**Section 52** amends s. 489.105, F.S., to conform provisions made by this act.

**Section 53** reenacts s. 527.06, F.S., relating to published standards of the National Fire Protection Association.

**Section 54** provides that this act shall take effect July 1, 2018.

#### **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 Government and Private Sector Impact sections.

B. Private Sector Impact:

The department would pay the fees for Class A and B Commercial Driver’s License testing for persons who are newly hired by the Florida Forest Service and employees who are promoted to positions needing such licenses.

C. Government Sector Impact:

	FY 2018-19	FY 2019-20	FY 2020-21
<b>REVENUES</b>			
<b>Recurring:</b>			
Administration transfer of shellfish aquaculture licenses to the City of Apalachicola	-79,900	-79,900	-79,900
Consolidation of liquefied petroleum gas licenses	-3,000	-3,000	-3,000
<b>Non-Recurring:</b>	0	0	0
<b>Total Revenue Loss:</b>	<b>-82,900</b>	<b>-82,900</b>	<b>-82,900</b>

	FY 2018-19	FY 2019-20	FY 2020-21
<b>EXPENDITURES</b>			
<b>Recurring:</b>			
Administration transfer of shellfish aquaculture licenses to the City of Apalachicola (offsetting reduction in oyster planting expenditures)	-79,900	-79,900	-79,900
Antifreeze (increase in sample purchasing)	6,000	6,000	6,000
Gasoline and oil inspection (increased shipping costs for skimming devices)	4,800	4,800	4,800
Brake fluid (increase in sample purchasing)	4,370	4,370	4,370
Florida Forest Service –	36,000	36,000	36,000

80 \$300 Class B Commercial Driver’s License test fees and 40 \$300 Class A Commercial Driver’s License test fees

Total Increase in Recurring Expenditures:	-28,730	-28,730	-28,730
<b>Non-Recurring:</b>	0	0	0
<b>Total Decrease in Expenditures:</b>	<b>-28,730</b>	<b>-28,730</b>	<b>-28,730</b>
<b>Total FDACS Decrease in Expenditures:</b>	<b>-54,170</b>	<b>-54,170</b>	<b>-54,170</b>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends the following sections of the Florida Statutes: 193.461, 379.361, 487.041, 493.6105, 493.6113, 496.415, 496.418, 500.459, 501.059, 501.912, 501.913, 501.917, 501.92, 525.07, 526.51, 526.53, 527.01, 527.02, 527.0201, 527.021, 527.03, 527.04, 527.0605, 527.065, 527.10, 527.21, 527.22, 531.67, 570.07, 573.111, 578.011, 578.08, 578.09, 578.10, 578.11, 578.12, 578.13, 578.181, 578.23, 578.26, 578.27, 578.28, 578.092, 590.02, 790.06, 790.0625, and 489.105.

This bill creates the following sections of the Florida Statutes: 501.6175, 578.012, 578.29, and 817.417.

This bill repeals the following sections of the Florida Statutes: 578.091 and 578.14.

The bill reenacts the following section of the Florida Statutes: 527.06(3).

**IX. Additional Information:**

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

**CS by Agriculture Committee on January 11, 2018:**

The committee substitute:

- Provides that screen enclosed structures used in citrus production for pest exclusion, when consistent with department adopted best management practices, have no separately assessable value for purposes of ad valorem taxation;

- Retains the language of current law, which was unintentionally struck, pertaining to labeling requirements of agricultural, vegetable, flower, tree, or shrub seed;
- Requires seed labels for agricultural seed, including lawn and turf grass seed and mixtures, to label hybrids as hybrids; and
- Corrects a cross-reference.

**B. Amendments:**

None.

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

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