

STORAGE NAME: h1681s1.ccc.doc

DATE: March 6, 2002

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY
COUNCIL FOR COMPETITIVE COMMERCE
ANALYSIS**

BILL #: CS/HB 1681 (PCB AG 02-01)

RELATING TO: Agriculture & Consumer Services

SPONSOR(S): Council for Competitive Commerce; Committee on Agriculture & Consumer Affairs;
Representative Spratt & Others

TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) AGRICULTURE & CONSUMER AFFAIRS (CCC) YEAS 9 NAYS 0
 - (2) GENERAL GOVERNMENT APPROPRIATIONS YEAS 12 NAYS 0
 - (3) COUNCIL FOR COMPETITIVE COMMERCE YEAS 12 NAYS 0
 - (4)
-

I. SUMMARY:

CS/HB 1681 addresses a variety of issues relating to the powers and duties of the Department of Agriculture and Consumer Services (department). The bill simplifies state funding for mosquito control districts. When responding to immediate human or animal health threats, the Commissioner of Agriculture is provided the authority to waive matching fund requirements for mosquito control districts. In addition, the Commissioner of Agriculture is allowed to issue declarations in specific counties, as needed, to respond to animal health threats posed by mosquitoes.

In responding to a state or agricultural emergency declared by the Governor or the Commissioner of Agriculture, the Division of Animal Industry is authorized to condemn and destroy any animal likely to spread a contagious, infectious or communicable disease. The bill requires all biological products intended for animal diagnostic or therapeutic use manufactured or sold in the state to have the written approval of the department, as well as the United States Department of Agriculture (USDA).

The Sturgeon Production Working Group (SPWG) is transferred from the Department of Environmental Protection to the department. The membership of the SPWG is increased from six to seven, adding a representative from a private nonprofit organization involved in sturgeon production work. The bill clarifies that permits for shellfish processors are valid for one year.

CS/HB 1681 formalizes the Division of Food Safety's current practice of authorizing certificates for food items exported abroad, allowing the division to recover costs of issuing said certificates. The bill exempts kiddie rides meeting certain criteria from being inspected each time the ride is set up. The bill permits the Division of Marketing and Development to assess a fee to recoup the costs of administering grants. In addition, the bill creates the Pest Control Enforcement Advisory Council within the department.

The bill includes a provision authorizing the department, the Office of the State Attorney or the Department of Legal Affairs to enforce the "no-gouging" law during a declared state of emergency.

In addition, the department is designated as the state agency responsible for screening applicants for certification and state funding as a qualified agriculture education and promotion facility.

The effective date is July 1, 2002, unless otherwise provided.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|--|---|
| 1. <u>Less Government</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

Lower Taxes: The bill provides for an increase in the fee cap for services and forms provided by the Division of Animal Industry. The Division of Food Safety is authorized to recover the costs associated with issuing certificates of export. The Division of Marketing and Development is allowed to assess a fee to recover the costs of administering grants. The bill provides for a fee cap increase for pesticide registration.

B. PRESENT SITUATION:

Division of Agricultural Environmental Services

Currently, three separate sections of the Florida Statutes (s. 388.261(1), s. 388.261(2), and s. 403.709(e)) mandate existing state funding authority for the support of local mosquito control. These varying sections contain conflicting standards for determining the allocation of state aid for local mosquito control. In addition, the Commissioner of Agriculture's authority is vague regarding the ability to direct the state's resources to provide mosquito control assistance and to use direct funds to provide support when requested in responding to a human or animal health threat.

Presently, section 388.281, F.S., enumerates how state funds for mosquito control may be used. The Commissioner of Agriculture is not currently provided with statutory authority to respond to public and animal health threats posed by mosquitoes or to issue emergency declarations in individual counties to respond to animal health emergencies.

Currently, the use of monies from pest control administrative fines is limited to research projects. The pest control industry does not have an advisory council to provide the Department of Agriculture and Consumer Services (department) with input regarding policies and practices needed to improve enforcement of the pest control law.

The pesticide registration fee is \$225 and has not been increased since 1992. Trust fund expenditures for the administration and enforcement of Chapter 487, F.S., Pesticides, exceed current income by approximately \$335,000.

Division of Animal Industry

Currently, the Division of Animal Industry (division) has statutory authority for imposing fees for providing various services and forms. The current fee cap is \$200, except for the fee (\$1,500) for quarantine requirements for horses imported from countries where contagious equine metritis exists.

In light of the outbreak of Mad Cow disease in Europe, as well as threats of bioterrorism, the statutes do not provide the department with an effective method of dealing with animals with contagious or infectious diseases.

The department currently contracts individually with private veterinary practitioners to assist in carrying out the duties and responsibilities of the department. Currently, biological products intended for diagnostic or therapeutic purposes for animals that are manufactured for sale or sold in Florida receive only USDA approval. The current fee cap for services provided by the department's animal disease diagnostic laboratory is set at \$15. Comparisons done with other states, university and private diagnostic laboratories show that the department's current cap is well below the national average.

Division of Aquaculture

The Sturgeon Production Working Group (SPWG) was created with the intent of promoting commercial production and stock enhancement of sturgeon in the state. Since its inception, the SPWG has been under the jurisdiction of the Department of Environmental Protection.

Historically, when the permitting authority rested with the Department of Environmental Protection, shellfish processors permits were valid for one year. However, when the transfer to the Department of Agriculture and Consumer Services took place two years ago, the permit length was not formally established.

Division of Food Safety

The Division of Food Safety (division) receives numerous requests each year for an "Export Certificate" or a "Certificate of Free Sale". These requests are made by Florida businesses that export food to foreign countries. The notarized certificates state that the food establishment is currently in compliance with the various sanitation and permit requirements of Chapter 500, F.S., The Florida Food Safety Act. A certificate is not issued if the firm is not in compliance, or if the firm is not inspected by the division. These certificates are required by many countries before accepting imported food shipments. Although these certificates are available through the federal government, the wait can sometimes take more than one month. The division can provide the certificate in a matter of days.

Division of Forestry

Under current statutory authority, the department does not have the authority to provide meals to firefighters while battling wildfires. The department may provide supplemental food and drinks. Currently, during an on-going wildfire, certain government aircraft are exempt from abiding by certain airspace restrictions.

Presently, the law prohibits anyone from leaving a recreational fire unattended or unextinguished. However, there are no provisions in place for enforcement. The current definition of certified prescribed burn is unclear as to whether it applies only to broadcast burns or not. When Service First was implemented, several managerial positions within the Division of Forestry were left as career service. However, the department has since reevaluated said positions and determined they should be transferred to selected exempt status. Currently, the amount of an administrative fine for violations of Chapter 590, F.S., is determined based on the degree of damage, as well as the prior violation record of the person.

Division of Marketing and Development

The Division of Marketing and Development (division) receives all community budget requests for entry into the department's budget. Each request is evaluated against established minimum project criteria and then processed for approval and inclusion in the budget. When a local project is funded by the Legislature, the division administers the disbursement of funds for these contracts including verification of the grantee's compliance with the various provisions of the contract. The division inspects each of the grantee's projects for visual verification of compliance with the contract's scope of work.

Division of Standards

Prior to July 1, 2000, section 616.242, F.S., allowed amusement rides to play at small public events without a setup inspection if there were no more than three amusement rides and none of the rides exceeded a capacity of eight persons. This provision was known as the "3&8" rule and it was removed from law at the request of the Division of Standards, Bureau of Fair Ride Inspections (bureau). The bureau requested the exemption be removed from the statutes due to problems with the provision, i.e. determining ride capacity, not prohibiting certain adult rides, difficulty with enforcement, and the mistaken belief that the impact on the inspection program would be minimal. However, the removal of the exemption has actually had a significant impact on the inspection program, in that it has increased travel and overtime costs without increasing inspection revenues. More importantly, it has resulted in a noticeable reduction in the inspection time available for large events and high risk rides during the bureau's busiest season. In retrospect, the bureau believes the exemption should have been modified rather than eliminated.

Office of Agricultural Law Enforcement

Presently, it is a second-degree misdemeanor for a person to forge a marketing order of agreement.

Office of Water Policy

Currently, the department only has the authority to develop and implement best management practices (BMPs) by rule, including incentives to producers where a total maximum daily load (TMDL) has been established.

C. EFFECT OF PROPOSED CHANGES:

Division of Agricultural Environmental Services

CS/HB 1681 simplifies state funding for mosquito control districts providing for new districts to receive up to \$50,000 per year for 3 years and providing a dollar for dollar match up to a limit of \$120,000 for eligible districts, thus reducing paperwork and complex grant funding formulas. In addition, the Commissioner of Agriculture is given the authority to waive matching fund requirements for the mosquito control districts when responding to immediate human or animal health threats. The Department of Agriculture and Consumer Services (department) is also given the authority to use state matching funds to provide direct support when requested by a mosquito control district and to use up to five percent of the funds appropriated annually to support the department's responsibility in managing statewide mosquito control.

The bill clarifies that state funds are to be used only for those activities directly related to the detection and suppression of mosquitoes through integrated program efforts. In addition, the Commissioner of Agriculture is given the authority to respond to animal health threats posed by mosquitoes, as well as to issue declarations in specific counties as needed.

The bill allows monies collected for administrative fines to be used for education as well as research projects. The department believes that using education efforts to address proper pest control procedures and legal requirements will improve compliance problems.

The bill establishes a Pest Control Enforcement Advisory Council (council) within the department to advise the Commissioner of Agriculture regarding the regulation of pest control practices and to advise government agencies with respect to those activities related to their responsibilities regarding pest control. The council consists of 11 members, all appointed by the Commissioner of Agriculture. The membership shall be as follows: a representative of the department; a citizen not involved in the conduct of pest control; a state university urban entomologist; and eight persons each holding a pest control operator's certificate issued under s. 482.111, F.S., of whom two shall be actively involved in termite control, two shall be actively involved in general household pest

control, two shall be actively involved in structural fumigation, and two shall be actively involved in lawn and landscape pest control.

The council shall receive reports of pest control enforcement activity conducted by the Division of Agricultural Environmental Services, receive reports on disciplinary actions, and make recommendations directly to the Commissioner of Agriculture for actions to be taken with respect to the regulation of pest control services and practices that the council has reviewed.

The bill proposes to increase the pesticide registration fee from \$225 to \$250 to cover existing operations assuring the safe handling, storage, distribution and use of pesticides to protect consumers, workers and the environment.

Division of Animal Industry

The bill authorizes the department to increase the fee cap from \$200 to \$500 for providing health forms, required certificates, certifications, permits, quality assurance programs and various services. The fee cap for quarantine requirements for horses imported from countries where contagious equine metritis exists increases from \$1,500 to \$1,800.

The department is authorized to condemn and destroy any animal that is liable to spread any contagious, infectious, or communicable disease to prevent the spread of disease when a state or agricultural declaration of emergency has been declared by the Governor or the Commissioner of Agriculture.

Florida has recently been designated brucellosis and tuberculosis free by the United States Department of Agriculture (USDA). Therefore, references to destruction of animals infected by or exposed to brucellosis or tuberculosis are no longer necessary. While Florida was battling brucellosis, the department administered the brucellosis vaccine at no cost to encourage eradication efforts. However, now that Florida is brucellosis-free, the department is authorized to recover the cost of the vaccine.

The bill authorizes the department to work with private USDA accredited veterinary practitioners under a cooperative agreement rather than contracting individually with each practitioner. With the threat of emerging foreign animal diseases and the increasing awareness of disease prevention, the department believes it's imperative they develop a public-private partnership to protect the public as well as the animal industry.

The bill requires all biological products intended for diagnostic or therapeutic purposes for animals that are manufactured or sold in the state to have the written approval of the department. The department is permitted to raise the fee cap for the animal disease diagnostic laboratory's services from \$15 to \$300.

Division of Aquaculture

At the recommendation of the state's Aquaculture Review Council, the bill transfers the Sturgeon Production Working Group (SPWG) from the Department of Environmental Protection to the department. The bill also increases the membership from six to seven, adding a representative from a private nonprofit organization involved in sturgeon production work, who will be appointed by the Commissioner of Agriculture. Other procedural changes are also approved.

The bill clarifies that permits for shellfish processors are valid for one year.

Division of Consumer Services

The bill includes a provision authorizing the department, the Office of the State Attorney or the Department of Legal Affairs to enforce the "no-gouging" law during a declared state of emergency. In addition, the bill reinserts original language to the definition of "educational institutions" to include

educational support organizations, i.e. PTAs, booster clubs, etc. These organizations were inadvertently omitted when the definition was changed in 2000 as a result of educational reform.

Division of Food Safety

The bill formalizes the Division of Food Safety's (division) current practice of authorizing certificates for food items exported abroad. In addition, the division is authorized to recover costs, as established by rule, associated with the issuing of certificates of export.

The bill requires the department to take action against manufacturers in violation of the food labeling law.

Division of Forestry

The bill authorizes the department to provide meals, in addition to supplemental food and drink, to firefighters when unable to leave the emergency situation to obtain food. The bill requires state and local governments to establish contact with the appropriate incident management personnel prior to penetrating the restricted airspace over a wildfire to ensure a safer environment for both law enforcement and firefighting aircraft in accomplishing their respective missions.

The bill assigns the penalty of a second-degree misdemeanor for persons leaving a recreational fire unattended or unextinguished. The bill provides options to reduce fire hazard when burning is not practical. The criteria for determining the amount of administrative fines for violations of Chapter 590, F.S., is amended to take into account if a person has provided false information in order to get an outdoor burn authorization. The bill transfers certain managerial positions within the Division of Forestry from career service to selected exempt status.

And, as it relates to conservation easements and agreements, the bill clarifies the intent of the 30-year easements for the purpose of rule-making authority.

Division of Marketing and Development

The bill permits the Division of Marketing and Development (division), in regards to reviewing community budget requests to determine eligibility requirements and providing oversight of the budget appropriations, to assess and collect an amount necessary to fund the costs of these services from each appropriation not to exceed 2% of each appropriation. Other agencies, such as the Department of Management Services and the Fish and Wildlife Conservation Commission, are permitted to assess similar fees for providing similar services. The monies collected will be deposited into the General Inspection Trust Fund at the beginning of each fiscal year.

The bill creates s. 288.1175, F.S., which designates the department as the state agency responsible for screening applicants for certification and state funding as a qualified agriculture education and promotion facility. An agriculture education and promotion facility is defined as an exhibition hall, arena, civic center, exposition center, or other capital project or facility which can be used for exhibitions, demonstrations, trade shows, classrooms, civic events, and other purposes that promote agriculture, horticulture, livestock, equestrian, and other resources of the state and educate the residents as to these resources. The bill sets forth general criteria for applicants to meet in order to be certified, as well as criteria to be used by the department for ranking when there are three or more applicants. Application and certification deadlines are provided for in the bill.

Division of Standards

The bill exempts kiddie rides meeting certain criteria from being inspected each time the ride is set up. This corrects an oversight created by a previous exemption. The bill also requires amusement ride owners to notify the department by telephone within 4 hours after any accident in which a patron is transported to a hospital, and to follow up with a written report within 24 hours after the occurrence of the accident.

Office of Agricultural Law Enforcement

The bill changes the charge of forging a marketing order from a second-degree misdemeanor to a third degree felony. This coincides with similar infractions elsewhere in the statutes.

Office of Water Policy

The bill allows the department, working in conjunction with the water management districts, to implement best management practices (BMPs) programs for any listed water body, regardless of total maximum daily load (TMDL) status. It also allows the Department of Environmental Protection (DEP) to consider such programs in determining the need for a TMDL. This change allows the department to assist agricultural producers in protecting water quality before water bodies are classified as impaired and need a TMDL, thus enhancing environmental protection and the efficient use of state resources.

Other Issues

The bill provides clarification that a violation regarding loads on a vehicle is a moving rather than non-moving violation. In addition, vehicles carrying agricultural products locally, within established parameters, are exempted from covering and securing loads with close-fitting tarpaulin or other appropriate cover.

The bill renames the USDA Service Center Building in Bartow, FL as the John W. Hunt Building. The department is authorized to erect markers to acknowledge the new name.

The bill clarifies that cotton module movers are recognized as farm implements for transportation purposes, and gives the Department of Transportation permissive authority to issue overlength permits.

The bill provides intent in regards to farm equipment, stating farm equipment may be stored, maintained, or repaired by the owner within the boundaries of the owner's farm without limitation.

In regards to elements of comprehensive plans, the bill clarifies that the regulation of intensity of use applies to development as defined in Chapters 380 and 163, F.S., and not to those land uses excluded from the definition of development.

And lastly, the bill narrows the exemption provided for non-residential farm buildings.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Amends s. 163.3177, F.S., clarifying that the regulation of intensity of use applies to development as defined in Chapters 380 and 163, F.S., and not to those land uses which are excluded from the definition of development.

Section 2: Creates s. 288.1175, F.S., providing for the Department of Agriculture and Consumer Services (department) to serve as state agency for screening applicants for state funding and for certifying applicants as a qualified agriculture education and promotion facility; authorizing the department to develop rules necessary for processing applications; providing definitions; providing criteria for certification as a agriculture education and promotion facility; providing criteria for the department to rank applicants, if the number of applicants exceeds three; providing provisions for use of funds; and, providing deadlines for application submittal and issuance of funding.

Section 3: Amends s. 316.515, F.S., adding cotton module movers as recognized pieces of farm equipment, and authorizing the Department of Transportation to issue certain permits for cotton module movers.

Section 4: Amends s. 316.520, F.S., clarifying moving versus non-moving violations relating to loads on a vehicle, and, exempting vehicles carrying agricultural products, under certain circumstances, from requirements regarding covering and securing a load.

Section 5: Amends s. 370.31, F.S., transferring the Sturgeon Production Working Group from the Department of Environmental Protection to the Department of Agriculture and Consumer Services; providing for an additional member to represent private nonprofit organizations involved in sturgeon production work, who will be appointed by the Commissioner of Agriculture; revising procedures for calling meetings, obtaining a quorum; and, providing for per diem and travel expenses for group members.

Section 6: Amends s. 388.261, F.S., providing for counties or districts to receive up to \$50,000 per year for 3 years for new programs controlling mosquitoes and other arthropods; providing for a dollar-for-dollar match up to a limit of \$120,000 for eligible districts; providing for prorating of funds when more than one mosquito control agency exists within a county; authorizing the Commissioner of Agriculture to waive matching fund requirements when an immediate threat to animal health arises; authorizing the department to use state matching funds when requested by a district or county; and, authorizing the department to use up to 5% of funds appropriated annually for the purposes of this section to provide technical assistance and purchase equipment, supplies, or services necessary to administer this program.

Section 7: Amends s. 388.281, F.S., providing for a dollar-for-dollar match for an integrated program for the control of mosquitoes; and, clarifying activities provided for in the program.

Section 8: Amends s. 388.361, F.S., authorizing the department to respond to threats to animal health as determined by the Commissioner of Agriculture.

Section 9: Amends s. 388.45, F.S., clarifying conditions constituting a threat to public health; and authorizing the Commissioner of Agriculture to issue a declaration in specific counties in response to threats of animal health.

Section 10: Amends s. 403.067, F.S., allowing the department, working in conjunction with water management districts and the Department of Environmental Protection, to implement BMP (best management practices) for any listed water body, regardless of the TMDL (total maximum daily load) status; and, allowing the Department of Environmental Protection to consider the BMP program in determining the need for a TMDL.

Section 11: Amends s. 403.709, F.S., authorizing monies collected from waste tire fees to be used for a dollar-for-dollar match for county and district mosquito control.

Section 12: Amends s. 482.2401, F.S., authorizing administrative fines collected to be used for pest control education.

Section 13: Amends s. 482.243, F.S., establishing the Pest Control Enforcement Advisory Council; and, providing powers, duties, membership, and procedures of the council.

Section 14: Amends s. 487.041, F.S., increasing the pesticide brand registration fee from \$225 to \$250.

Section 15: Amends s. 496.404, F.S., redefining the term "educational institutions."

Section 16: Amends s. 500.121, F.S., requiring the department to examine or test products thought to be in violation of labeling claims; providing for retesting or reexamining within 90 days after notification; providing for the manufacturer to reimburse the department for the cost of

administering a third test or examination, if needed; providing for the department to issue a stop-sale or stop-use if product is found in violation for a third time; and, allowing the department to impose additional sanctions for violations.

Section 17: Amends s. 500.148, F.S., allowing the department to provide a certificate allowing a food establishment in compliance with state guidelines to export food to a foreign country; and, authorizing the department to recover the cost of this program.

Section 18: Amends s. 501.160, F.S., authorizing the department, the Office of the State Attorney, or the Department of Legal Affairs to enforce violations of provisions relating to rental or sale of essential commodities during a declared state of emergency.

Section 19: Amends s. 570.07, F.S., authorizing the department, under emergency conditions, to provide meals when personnel cannot leave the emergency incident location.

Section 20: Amends s. 570.53, F.S., authorizing the department to assess and collect a fee to recoup the cost of services provided in administering each grant; and, providing for the fee to be deposited into the General Inspection Trust Fund.

Section 21: Amends s. 570.71, F.S., granting the state the right to buy a conservation easement or rural land protection easement at the end of the 30-year term.

Section 22: Amends s. 573.124, F.S., revising the penalty for marketing order violations.

Section 23: Amends s. 585.002, F.S., expanding the department's authority to establish fees to include certifications, permits, and quality assurance programs; and, increasing the fee cap on most services to \$500 and the fee cap for carrying out the quarantine requirements relating to horses imported from foreign counties where contagious equine metritis exists to \$1800.

Section 24: Amends s. 585.08, F.S., authorizing the department to condemn and destroy any animal likely to spread any contagious, infectious, or communicable disease when the Governor or the Commissioner of Agriculture has declared a state or agricultural declaration of emergency.

Section 25: Amends s. 585.09, F.S., correcting reference to a repealed section of statute.

Section 26: Repeals s. 585.10, F.S., relating to animals condemned or destroyed due to exposure to brucellosis or tuberculosis.

Section 27: Amends s. 585.105, F.S., allowing the department to recover the cost of the brucellosis vaccine.

Section 28: Amends s. 585.11, F.S., allowing the department to work with USDA (United States Department of Agriculture) accredited veterinarians under a cooperative agreement.

Section 29: Amends s. 585.21, F.S., requiring biological products sold in the state to have the department's written permission prior to sale.

Section 30: Amends s. 585.61, F.S., increasing the fee cap to \$300 for services provided by the department's animal disease diagnostic laboratories.

Section 31: Amends s. 590.02, F.S., transferring certain managerial positions within the Division of Forestry from Career Service to Selected Exempt Service status, and, requiring government agency aircrafts to operate in compliance with the state Wildfire Aviation Plan when a wildfire is in progress.

Section 32: Amends s. 590.11, F.S., providing a penalty of a misdemeanor of the second degree for leaving a recreational fire unattended or unextinguished.

Section 33: Amends s. 590.125, F.S., clarifying definition of certified prescribed burning; providing requirements to be met by certified prescribed burn managers; and, providing chemical and mechanical alternatives to prescribed burning for areas determined to be in danger of wildfire.

Section 34: Amends s. 590.14, F.S., expanding criteria for determining fines for violations of Chapter 590, F.S.

Section 35: Amends s. 597.020, F.S., providing for yearly renewal of shellfish processors' permits.

Section 36: Creates s. 604.40, F.S., providing for farm equipment to be stored, maintained, or repaired by the owner within the boundaries of the owner's farm without limitation.

Section 37: Amends s. 604.50, F.S., revising the definition of nonresidential farm building.

Section 38: Amends s. 616.242, F.S., exempting from department inspection a kiddie ride used at a public event, provided there are no more than 3 rides at the event, none of which exceed a capacity of 12 persons, and the ride has an inspection certificate issued within the preceding 6 months; authorizing the department to determine, by rule, the capacity of the ride unless specified by the manufacturer; placing responsibility of compliance upon the owner of the kiddie ride; and, requiring an amusement ride owner to notify the department by phone within 4 hours after the occurrence of an accident in which a patron is transported to the hospital and to follow up with a written report to the department within 24 hours after the occurrence of the accident.

Section 39: Provides for the USDA Service Center Building located in Bartow, FL to be renamed the John W. Hunt Building, and the department is authorized to erect a suitable marker denoting the new name.

Section 40: Provides an effective date of July 1, 2002.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

Revenues:

	Fund	Amount Year 1 (FY 02-03)	Amount Year 2 (FY 03-04)	Amount Year 3 (FY 04-05)
Recurring:				
Pesticide Brand Registration Fee	GITF*	\$335,000	\$335,000	\$335,000
Food Safety Export Certificate – Est. 7500 @ \$10	GITF	75,000	75,000	75,000
Marketing 2% cost recovery Fee (Based on number of projects, and costs to Division.)	GITF	Unknown	Unknown	Unknown

		Amount Year 1 (FY 02-03)	Amount Year 2 (FY 03-04)	Amount Year 3 (FY 04-05)
Animal Industry	Fund			
Cost recovery for Brucellosis vaccine	GITF	<u>80,000</u>	<u>80,000</u>	<u>80,000</u>
Total Revenue – All Funds		<u>\$490,000</u>	<u>\$490,000</u>	<u>\$490,000</u>

Expenditures:

Non-Recurring:

OCO

Food Safety – Export

Certificates – 1 Support

Staff OCO package

@ \$2000

GITF

\$ 2,000

Total Non-Recurring Costs

2,000

Recurring:

Positions – 1 FTE in Leon Co.

Salaries and benefits

Food Safety – Export

Certificates – 1 Administrative

Assistant** – PG 15

GITF

\$ 33,177

\$ 34,172

\$ 35,197

Other Personal Services

Food Safety – Export Certificates

Clerical support

GITF

15,000

15,000

15,000

Expenses

Sturgeon Production Working

Group – Travel expense

(per diem)

GITF

5,000

5,000

5,000

Pest Control Advisory Council

Travel expense (per diem)

GITF

10,000

10,000

10,000

Food Safety – Export Certificates

Exp. Pkg. – Support staff @

\$8,019

GITF

8,019

8,019

8,019

Other

Food Safety – Export Certificates

Printing, office supplies

and postage

GITF

10,000

10,000

10,000

Total Recurring Costs

81,196

82,191

83,216

		Amount Year 1 (FY 02-03)	Amount Year 2 (FY 03-04)	Amount Year 3 (FY 04-05)
Non-Operating Costs:				
Administrative/Indirect				
Food Safety – Export				
Certificates	GITF	UNKNOWN AT THIS TIME		
General Revenue Service Charge				
Pesticide Brand Registration	GITF	24,455	24,455	24,455
Food Safety – Export				
Certificate	GITF	5,475	5,475	5,475
Animal Industry				
Brucellosis vaccine	GITF	<u>5,840</u>	<u>5,840</u>	<u>5,840</u>
Total Non-Operating Costs		<u>35,770</u>	<u>35,770</u>	<u>35,770</u>
Total Costs - GITF		<u>\$118,966</u>	<u>\$117,961</u>	<u>\$118,986</u>

*General Inspection Trust Fund (GITF)

**Salaries and benefits were entered at the minimum and increased 3% for the second and third years in anticipation of salary increases.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Section D. (Fiscal Comments)

2. Expenditures:

See Section D. (Fiscal Comments)

The bill authorizes DACS to assess community-budget appropriations up to 2% for administrative fees to handle the project oversight. The fiscal impact will be determined annually by the amount of project funding appropriated to the Department.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The new funding structure for mosquito control districts will provide local governments with more flexibility for state assistance in responding to human and animal health threats such as the outbreak of West Nile Virus that occurred in Florida in 2001.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenue in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce any state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

In section 288.1175, F.S., the Department of Agriculture and Consumer Services (department) is given rule-making authority relating to the receipt and processing of applications for funding of agriculture education and promotion facilities.

In section 500.148, F.S., the department is given rule-making authority in establishing a dollar amount to recover the costs of certifying reports for food establishments for the purpose of exporting food to a foreign country.

In section 616.242, F.S., the department is given rule-making authority to determine the capacity of a kiddie ride, if said capacity is not specified by the manufacturer.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON AGRICULTURE AND CONSUMER AFFAIRS:

Prepared by:

Debbi Kaiser

Staff Director:

Susan D. Reese

AS REVISED BY THE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS:

Prepared by:

Marsha Belcher

Staff Director:

Lynn Dixon

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DATE: March 6, 2002

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AS FURTHER REVISED BY THE COUNCIL FOR COMPETITIVE COMMERCE:

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