

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/CS/SB 2286

SPONSOR: Committees on Agriculture and Consumer Services, Comprehensive Planning, Local and Military Affairs, Senator Mitchell and others

SUBJECT: Agriculture and Consumer Services

DATE: March 4, 2002 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cooper	Yeatman	CA	Favorable/CS
2.	Weidenbenner	Poole	AG	Favorable/CS/CS
3.	_____	_____	BI	_____
4.	_____	_____	AGG	_____
5.	_____	_____	AP	_____
6.	_____	_____	_____	_____

I. Summary:

This CS for CS expands the authority of the Office of Agricultural Law Enforcement so that it can enforce the provisions of any statute or any other laws of this state but specifies that it's primary responsibility shall be the enforcement of laws relating to agriculture and consumer services. It also removes present limitations as to the enforcement of traffic laws.

This bill transfers the oversight of the Small County Technical Assistance Program from the Office of the Comptroller (Comptroller) to the Commissioner of Agriculture (Commissioner). The bill also provides for minor changes in the criteria used by the Commissioner for establishing contract providers, as well as expanding the areas of assistance provided to include economic and community development.

This bill substantially amends sections 163.05, 316.640, and 570.073 of the Florida Statutes.

II. Present Situation:

The Office of Agricultural Law Enforcement can currently enforce any criminal laws and traffic laws of the state subject to restrictions contained in s. 570.073, F.S. The practical effect of the restriction is to limit the enforcement to matters or property over which the Department of Agriculture and Consumer Services (DACS) has jurisdiction.

For the past eight years, the Florida Counties Foundation, Inc., a nonprofit organization that is an adjunct of the Florida Association of Counties, has been awarded the contract to deliver technical assistance to the rural counties of Florida through the Small County Technical Assistance Services Program. The purpose of the program, as stated in s. 163.05(3), F.S., "...is to provide

technical assistance to small counties to enable them to implement workable solutions to financial and administrative problems.” The Comptroller has provided oversight since the inception of the program. The program, initiated in 1993 through a \$250,000 appropriation from the Legislature, began by serving 31 counties with populations less than 50,000. Subsequently, the program has been expanded to \$500,000 and serves 32 counties with populations less than 75,000.

Based on the goals and performance outcomes established for the program through June 30, 2001, the program’s accomplishments, as reported by the Florida Association of Counties, include:

- One hundred percent of the then eligible, participating small counties have enhanced or initiated at least one alternative revenue source.
- Ninety-four percent of the participating small counties have adopted the School Siting-based comprehensive plan amendments as required by the Florida Department of Community Affairs (DCA).
- Of those counties receiving intensive program grant or loan assistance, seventy-nine percent of the grants or loans applied for with program assistance were awarded. This greatly exceeded the twenty-five percent goal.
- Twenty-four percent of the participating small counties have been able to enhance their in-house technology by obtaining additional hardware/software and training capacity.

In addition, the statutes mandate the Legislative Committee on Intergovernmental Relations (LCIR) to conduct annual reviews of the program’s effectiveness and report its findings to the Governor, President of the Senate, Speaker of the House of Representatives, and the Office of the Comptroller by January 15 of each year. In the 2001 report, the LCIR recommends the transfer of the program from the Comptroller to DACS. This recommendation is based on the premise that DACS may be able to facilitate federal funding of some aspects of the program, since many rural assistance grants and aids flow through the United States Department of Agriculture. DCA was also recommended as an alternative oversight agency because of its familiarity with federal agencies that may provide funding opportunities for the program.

III. Effect of Proposed Changes:

Section 1 amends s. 570.073(1), F.S. to authorize the Office of Agricultural Law Enforcement to enforce the provisions of any statute or any other laws of this state and stipulates that its primary responsibility shall be to enforce laws relating to agriculture and consumer services and other laws which threaten the overall security and safety of this state’s agriculture and consumer services.

Amends s 316.640(1)e, F.S., to eliminate any restrictions under the provisions of Chapter 570, F.S, that are placed on the authority of the Office of Agricultural Law Enforcement to enforce traffic laws.

Amends 163.05, F.S., as follows:

Subsection (1) is amended to update legislative findings.

Subsection (4) is amended to transfer the oversight of the Small County Technical Assistance Program from the Comptroller to the Commissioner. Providers bidding on the program contract must be a “nonprofit foundation under s. 501(c)(3) of the Internal Revenue Code with a governing board having representation of county commissioners and professional staff of the county.” These providers must have substantial, documented experience working closely with all county governments in providing education and technical assistance. This replaces the requirement that the contractor be a “public agency or private, nonprofit corporation, association, or entity.” Paragraph (d) is deleted, which required the Comptroller to annually submit information to the LCIR for their performance review of the program. The CS also expands the areas of assistance provided under the program contract to include economic and community development.

Subsection (5), which establishes request for proposal (RFP) guidelines and responsibilities, is amended to replace the term Comptroller with Commissioner of Agriculture, consistent with the transfer of the program. In addition, a provision is included specifying that RFPs are required no more frequently than every third year, and that all contracts in existence on June 30, 2002, between the Comptroller and other parties will be accepted by the Commissioner, with the contracts remaining in effect according to their original terms. Paragraph (c) of subsection (5), which required the LCIR to provide oversight on the program, is deleted.

Subsection (6) is amended to delete the requirement that a copy of the contract be provided to the LCIR.

Subsection (7) is deleted. This provision authorized the Comptroller to enter into contracts and agreements with other state and local agencies and with any person, association, corporation, or entity other than the program providers, for the purpose of administering this section.

Subsection (8) is renumbered as subsection (7) and is amended to require the Commissioner, rather than the Comptroller, to monitor the contract, and to require the Commissioner to conduct a performance review of the program as necessary.

Subsection (9), which required the LCIR to annually conduct a performance review of the program, is deleted.

Section 2 transfers the appropriation for the Small County Technical Assistance program from the Comptroller to the Department of Agriculture.

Section 3 provides that the Committee Substitute will take effect June 30, 2002.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Agriculture and Consumer Services will assume responsibility for administering the Small County Technical Assistance Program and its Office of Agricultural Law Enforcement shall have broader law enforcement powers.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.