

**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 General Government Appropriations Committee

**BILL:** CS/CS/SB 1158

**INTRODUCER:** General Government Appropriations Committee, Agriculture Committee, and Senator Dean

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

**DATE:** February 17, 2010      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhavein</u>	<u>Poole</u>	<u>AG</u>	<u>Fav/CS</u>
2.	<u>Blizzard</u>	<u>DeLoach</u>	<u>GA</u>	<u>Fav/CS</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**Please see Section VIII. for Additional Information:**

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

This bill exempts the Division of Licensing Trust Fund within the Department of Agriculture and Consumer Services from the Legislature’s authority to transfer unappropriated cash balances to the Budget Stabilization Fund and the General Revenue Fund in the General Appropriations Act.

This bill amends section 215.32, Florida Statutes.

**II. Present Situation:**

The Division of Licensing Trust Fund, FLAIR #42-2-163, is administered by the Department of Agriculture and Consumer Services. It was transferred from the Department of State by Chapter 2002-295, L.O.F. The purpose of the Division of Licensing Trust Fund is to fund activities associated with the regulation of private security, investigative and recovery industries, and weapons and firearms. The funds are available via a fee structure regulating licensees, as well as individuals and businesses engaging in private security, private investigations, and recovery of properties.

Section 215.32(2)(b)4.a., F.S., specifically grants authority to the Legislature to transfer unappropriated cash balances of state trust funds to either the General Revenue Fund or the Budget Stabilization Fund. Such authority does not apply to trust funds in which the money is held by a fiduciary or in a trustee capacity.

### **III. Effect of Proposed Changes:**

**Section 1** amends s. 215.32, F.S., to exempt the Department of Agriculture and Consumer Services' Division of Licensing Trust Fund from a provision authorizing the Legislature to transfer unappropriated cash balances in the fund to the General Revenue Fund or the Budget Stabilization Fund.

**Section 2** provides that this act shall take effect upon becoming a law.

### **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:**

None.

### **VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

**A. Committee Substitute – Statement of Substantial Changes:**

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

**CS/CS by General Government Appropriations Committee on February 17, 2010:**

The committee substitute changes the effective date from effective 48 hours after becoming a law to effective upon become a law.

**CS by Agriculture Committee on February 16, 2010:**

The Committee Substitute changes the effective date from effective upon becoming a law to effective 48 hours after becoming a law.

**B. Amendments:**

None.