

REVENUE ESTIMATING CONFERENCE

Tax:

Issue: Special Alcoholic Beverage Licenses for Caterers

Bill Number(s): Section 3, CS/CS/CS/HB 689

☐ **Entire Bill**

☒ **Partial Bill:** Section 3, CS/CS/CS/HB 689

Sponsor(s): Commerce Committee; Ways & Means Committee; Careers & Competition Subcommittee; Burton

Month/Year Impact Begins: July 2017

Date of Analysis: 06/02/17

Section 1: Narrative

a. Current Law:

Section 561.20(2)(a)5, Florida Statutes, provides that there is no limit on the number of special alcoholic beverage licenses that may be issued to a caterer that is licensed by the Division of Hotels and Restaurants and that derives at least 51 percent of its gross revenue from the sale of food and nonalcoholic beverages. The statute requires caterers holding the special alcoholic beverage license authorized pursuant to this subsection to maintain for a period of 3 years all records to demonstrate compliance with the license requirements, including vendor receipts for purchases of alcoholic beverages, customer names, catered event dates and locations, and other records as may be required by the department by rule.

b. Proposed Change:

Section 3 of CS/CS/CS/HB 689 amends paragraph (a) of subsection (2) of section 561.20, Florida Statutes, effectively clarifying the scope and application of the minimum revenue requirement pertaining to special alcoholic beverage licenses issued to qualifying caterers licensed by the Division of Hotels and Restaurants.

The bill specifies that the minimum 51% of revenue that must be derived from the sale of food and non-alcoholic beverages is calculated based on the caterer's gross food and beverage revenue. The bill further provides that this minimum revenue percentage applies to each catered event in which the special alcoholic beverage license is utilized.

The bill also clarifies the types of records which must be maintained for a period of 3 years by a caterer holding a special alcoholic beverage license pursuant to this statute.

Section 2: Description of Data and Sources

The Division of Alcoholic Beverages and Tobacco conducts compliance audits on special license types such as caterer licenses for purposes of determining compliance with the minimum revenue requirements specific to these license types. The compliance audits of caterer licenses are assigned at random and undertaken as auditor resources and capacity allows in consideration of other primary tax and revenue audits conducted on other licenses by the Division. Data for this impact analysis is based on license populations for this special license type and compliance audits conducted on a subset of these licenses in calendar year 2016.

Section 3: Methodology (Include Assumptions and Attach Details)

The Division identified 472 current and active caterer alcoholic beverage licenses on record in calendar year 2016. The special alcoholic beverage license issued to caterers is subject to an annual license tax of \$1,820 each. Based on the 2016 license population, at least \$862,680 in license fee revenue was derived from issuance or renewal of this license type during the year.

In calendar year 2016, the Division completed audits of license compliance on the special caterer license type as follows:

Summary of Audits Completed

Total License Population of Special Caterer Licenses:	472
Audits Completed:	132
Percent of License Population Audited:	28%

Summary of Audit Findings

Audits Passed:	79
Audits Failed:	53
Compliance Rate Based on Licenses Audited:	60%

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The Division is unable to predict whether the amended revenue requirement based on gross food and beverage revenue only will result in any change in the license population in future years or any change in compliance rates and associated administrative actions on these licenses. Therefore, impacts on annual license fee and administrative penalty revenue associated with these licenses are unknown.

Section 4: Proposed Fiscal Impact

	High		Middle		Low	
	Cash	Recurring	Cash	Recurring	Cash	Recurring
2017-18	Indeterminate (non-directional) +/-**	Indeterminate (non-directional) +/-**	Indeterminate (non-directional) +/-**	Indeterminate (non-directional) +/-**	Indeterminate (non-directional) +/-**	Indeterminate (non-directional) +/-**
2018-19	Indeterminate (non-directional) +/-**	Indeterminate (non-directional) +/-**	Indeterminate (non-directional) +/-**	Indeterminate (non-directional) +/-**	Indeterminate (non-directional) +/-**	Indeterminate (non-directional) +/-**
2019-20	Indeterminate (non-directional) +/-**	Indeterminate (non-directional) +/-**	Indeterminate (non-directional) +/-**	Indeterminate (non-directional) +/-**	Indeterminate (non-directional) +/-**	Indeterminate (non-directional) +/-**
2020-21	Indeterminate (non-directional) +/-**	Indeterminate (non-directional) +/-**	Indeterminate (non-directional) +/-**	Indeterminate (non-directional) +/-**	Indeterminate (non-directional) +/-**	Indeterminate (non-directional) +/-**
2021-22	Indeterminate (non-directional) +/-**	Indeterminate (non-directional) +/-**	Indeterminate (non-directional) +/-**	Indeterminate (non-directional) +/-**	Indeterminate (non-directional) +/-**	Indeterminate (non-directional) +/-**

List of affected Trust Funds:

Alcohol Beverages and Tobacco Trust Fund

Section 5: Consensus Estimate (Adopted: 06/09/2017): The Conference adopted a +/- Indeterminate impact.

	GR		Trust		Local/Other		Total	
	Cash	Recurring	Cash	Recurring	Cash	Recurring	Cash	Recurring
2017-18	(+/-)	(+/-)	(+/-)	(+/-)	0.0	0.0	(+/-)	(+/-)
2018-19	(+/-)	(+/-)	(+/-)	(+/-)	0.0	0.0	(+/-)	(+/-)
2019-20	(+/-)	(+/-)	(+/-)	(+/-)	0.0	0.0	(+/-)	(+/-)
2020-21	(+/-)	(+/-)	(+/-)	(+/-)	0.0	0.0	(+/-)	(+/-)
2021-22	(+/-)	(+/-)	(+/-)	(+/-)	0.0	0.0	(+/-)	(+/-)

REVENUE ESTIMATING CONFERENCE

Tax: Local Taxes and Fees

Issue: Expands the streamlined installation permitting of low-voltage alarm systems to include low-voltage electric fences. Prohibits a local government agency from charging more than a \$40 permitting fee for the installation or replacement of a new or existing low-voltage electric fence, when permitting is required.

Bill Number(s): CS/CS/HB 241 (codified as Chapter 2017-52, Laws of Florida)

☐ **Entire Bill**

☒ **Partial Bill:**

Sponsor(s): Local, Federal & Veterans Subcommittee and Agriculture & Property Rights Subcommittee and Representative Williamson

Month/Year Impact Begins: Upon becoming law – June 2, 2017

Date of Analysis: June 9, 2017

Section 1: Narrative

- a. Current Law:** Section 553.793, F.S., streamlines the permitting process for the installation of low-voltage alarm system projects. A *low-voltage alarm system project* is defined as a project related to the installation, maintenance, inspection, replacement, or service of a new or existing alarm system, and attached ancillary components, that is hardwired and operating at low voltage. Generally, the law authorizes licensed electrical and alarm system contractors to purchase uniform basic permit labels (permits) from the local enforcement agencies without requiring detailed information about the project and exempts the contractor from having to notify the local enforcement agency of the details of a job prior to installation. Contractors have 14 days after completion of a project to submit a Uniform Notice of a Low Voltage Alarm System Project to the local enforcement agency. The local enforcement agency is then authorized to coordinate directly with the property owner or customer for inspection.

A municipality, county, district, or other entity of local government may not adopt or maintain in effect an ordinance or rule regarding a low-voltage alarm system that is inconsistent with the streamlined low-voltage alarm system installation permitting of s. 553.793, F.S.

- b. Proposed Change:** Section 1 of the bill expands s. 553.793, F.S., regarding the streamlined installation permitting of low-voltage alarm systems to include *low-voltage electric fence* as a type of low-voltage alarm system project.

The bill:

1. Adds new or existing low-voltage electric fence to the types of projects that constitute a low-voltage alarm system project;
2. Adds “closed-circuit television systems,” “access controls,” and “battery recharging devices” to the types of ancillary components or equipment attached to a low-voltage alarm system;
3. Defines “low-voltage electric fence” as an alarm system, as defined in s. 489.505, F.S., which consists of a fence structure and an energizer powered by a commercial storage battery not exceeding 12 volts which produces an electric charge upon contact with the fence structure.
4. Requires that a low-voltage electric fence meet specified requirements to be permitted as a low-voltage alarm system project and prohibits any further permitting for the low-voltage alarm system project other than as provided in s. 553.793, F.S.

Since current law prohibits a local enforcement agency from charging more than \$40 for a permit, the agency would be prohibited under this law change from charging more than a \$40 permitting fee for the installation or replacement of a new or existing low-voltage electric fence, when permitting is required.

Section 2: Description of Data and Sources

House Agriculture & Property Rights Subcommittee staff provided EDR staff with a list of local “inconsistencies”, with respect to local government electric fence permitting, that was provided to Committee staff during the bill initial analysis phase. However, this document is not specify amounts for any such permitting fees or local revenues collected. In a number of instances, local codes currently prohibit electric fences or permits are not required. Due to the relative lack of information, EDR staff surveyed select county and municipal governments.

Section 3: Methodology (Include Assumptions and Attach Details)

EDR surveyed select local governments to ask if the local government currently charges a permitting fee for the installation or replacement of new or existing low-voltage electric fence. The initial survey was sent on May 15, 2017, and a follow-up survey, in an effort to boost the low response rate, was sent on May 24, 2017. If a permitting fee was indicated, the local government was asked to report estimated revenues resulting from such permitting fees in the last three fiscal years (i.e., FY 2014-15 through FY 2016-17) and to estimate the revenue loss in FY 2017-18 as the result of the new legislation.

REVENUE ESTIMATING CONFERENCE

Tax: Local Taxes and Fees

Issue: Expands the streamlined installation permitting of low-voltage alarm systems to include low-voltage electric fences. Prohibits a local government agency from charging more than a \$40 permitting fee for the installation or replacement of a new or existing low-voltage electric fence, when permitting is required.

Bill Number(s): CS/CS/HB 241 (codified as Chapter 2017-52, Laws of Florida)

EDR staff surveyed the 42 county governments having a 2016 population greater than 50,000 and the 95 municipal governments having a 2016 municipal governments having a 2016 population greater than 25,000 (total of 137 local governments). Twenty-one of 42 county governments (i.e., 50%) and 29 of 95 municipal governments (i.e., 31%) responded to the EDR survey (see attached summary).

Nineteen of the 21 county governments (i.e., 90%) and 20 of the 29 municipal governments (i.e., 69%) responding to the EDR survey indicated that no permitting fee is currently charged for the installation or replacement of new or existing low-voltage electric fences. In some cases, current local codes prohibit electric fences. For those local governments that indicated current permitting fees, all indicated the expected fiscal impact of the new legislation as negative insignificant due primarily to the small number of such electric fence permits requested in recent years.

In those cases where a local government does not currently charge such a permitting fee, some local governments indicated that the new legislation might encourage them to begin charging a permitting fee, up to the statutory cap of \$40, as a new source of revenue.

Based on the data gathered from the EDR survey and the expectation that similar results would extend to those survey non-responders and those local governments not surveyed, EDR staff is recommending a proposed fiscal impact of insignificant negative.

Section 4: Proposed Fiscal Impact (Millions \$)

	High		Middle		Low	
	Cash	Recurring	Cash	Recurring	Cash	Recurring
2017-18					(*)	(*)
2018-19					(*)	(*)
2019-20					(*)	(*)
2020-21					(*)	(*)
2021-22					(*)	(*)

List of Affected Trust Funds: Local funds only.

Section 5: Consensus Estimate (Adopted: 06/09/2017): The Conference adopted the low estimate.

	GR		Trust		Local/Other		Total	
	Cash	Recurring	Cash	Recurring	Cash	Recurring	Cash	Recurring
2017-18	0.0	0.0	0.0	0.0	(Insignificant)	(Insignificant)	(Insignificant)	(Insignificant)
2018-19	0.0	0.0	0.0	0.0	(Insignificant)	(Insignificant)	(Insignificant)	(Insignificant)
2019-20	0.0	0.0	0.0	0.0	(Insignificant)	(Insignificant)	(Insignificant)	(Insignificant)
2020-21	0.0	0.0	0.0	0.0	(Insignificant)	(Insignificant)	(Insignificant)	(Insignificant)
2021-22	0.0	0.0	0.0	0.0	(Insignificant)	(Insignificant)	(Insignificant)	(Insignificant)

Fiscal Impact Analysis of 2017 CS/CS/HB 241 regarding Alarm Systems								
County	2016 Population	Does your county currently charge a permitting fee for the installation or replacement of new or existing low-voltage electric fence?			Estimated revenues resulting from such permitting fees.			Estimated revenue loss
		No	Yes	Amount of Permit Fee	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
Alachua	257,062	X						No impact
Bay	176,016	X						No impact
Brevard	568,919	X						No impact
Broward	1,854,513	X						No impact
Charlotte	170,450		X	A regular electric trade permit of \$90 is required for new fences only if there is not an existing power source. A zoning permit of \$30 is required for installation of physical fence.	Unable to determine the number of permits issued for electric fences but expect this number would have been minimal. Legislation would result in revenue loss of \$50 per electric trade permit - expect minimal impact.			Minimal impact
Citrus	143,054	X						No impact
Clay	205,321							
Collier	350,202	X						No impact
Columbia	68,566							
Duval	923,647							
Escambia	309,986	X						No impact
Flagler	103,095	X						No impact
Hernando	179,503							
Highlands	101,531							
Hillsborough	1,352,797	X						No impact
Indian River	146,410							
Jackson	50,345							
Lake	323,985	X						No impact
Lee	680,539							
Leon	287,671							
Manatee	357,591							
Marion	345,749	X						No impact
Martin	150,870							
Miami-Dade	2,700,794							
Monroe	76,047							
Nassau	77,841							
Okaloosa	192,925	X						No impact
Orange	1,280,387	X		Current zoning regulations prohibit electrically charged fences in residential and office districts, expect around public utilities.				No impact
Osceola	322,862							
Palm Beach	1,391,741							
Pasco	495,868	X						No impact
Pinellas	954,569							
Polk	646,989							
Putnam	72,972							
Santa Rosa	167,009	X						No impact
Sarasota	399,538	X						No impact
Seminole	449,124							
St. Johns	220,257	X						No impact
St. Lucie	292,826							
Sumter	118,577		X	\$38	NR	NR	NR	\$ -
Volusia	517,411	X						No impact
Walton	62,943	X						No impact
County Total	19,548,502	19	2		\$ -	\$ -	\$ -	\$ -
Response Rate 50%								
Source: EDR's May 2017 e-mail survey of those 42 county governments having a 2016 countywide population greater than 50,000.								

Fiscal Impact Analysis of 2017 CS/CS/HB 241 regarding Alarm Systems

Municipality	County	2016 Population	Does your municipality currently charge a permitting fee for the installation or replacement of new or existing low-voltage electric fence?			Estimated revenues resulting from such permitting fees.			Estimated revenue loss
			No	Yes	Amount of Permit Fee	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
Altamonte Springs	Seminole	43,905							
Apopka	Orange	47,826							
Aventura	Miami-Dade	37,611							
Boca Raton	Palm Beach	88,275	X						No impact
Bonita Springs	Lee	48,388							
Boynton Beach	Palm Beach	73,163							
Bradenton	Manatee	53,771							
Cape Coral	Lee	170,474	X		No separate category for this type of fence. Would require permitting fee associated with traditional fence.	No separate data for new or existing low-voltage electric fences.			NR
Casselberry	Seminole	27,786							
Clearwater	Pinellas	112,387	X						No impact
Clermont	Lake	34,667							
Coconut Creek	Broward	57,116							
Cooper City	Broward	33,671	X						No impact
Coral Gables	Miami-Dade	49,449							
Coral Springs	Broward	126,264							
Cutler Bay	Miami-Dade	44,901							
Dania Beach	Broward	31,093		X					Minimal impact
Davie	Broward	99,446							
Daytona Beach	Volusia	64,569							
Deerfield Beach	Broward	77,659							
DeLand	Volusia	31,792	X						No impact
Delray Beach	Palm Beach	63,972							
Deltona	Volusia	88,922							
Doral	Miami-Dade	59,304							
Dunedin	Pinellas	36,060							
Estero	Lee	30,565							
Fort Lauderdale	Broward	176,747							
Fort Myers	Lee	76,108							
Fort Pierce	St. Lucie	42,489							
Gainesville	Alachua	128,612	X						No impact
Greenacres	Palm Beach	39,066							
Hallandale Beach	Broward	38,621							
Hialeah	Miami-Dade	233,431							
Hollywood	Broward	146,155							
Homestead	Miami-Dade	70,209	X		Electric fences not allowed by code.				No impact
Jacksonville	Duval	878,456	X						No impact
Jupiter	Palm Beach	60,615	X						No impact
Key West	Monroe	25,009		X	\$40	\$ 120	\$ 120	\$ 120	\$ -
Kissimmee	Osceola	68,401	X						No impact
Lake Worth	Palm Beach	37,475		X	2.5% of value of the fence (average fee \$125)				\$ (4,000)
Lakeland	Polk	102,507							
Largo	Pinellas	81,587							
Lauderdale Lakes	Broward	34,830							
Lauderhill	Broward	70,677							
Margate	Broward	57,226							
Melbourne	Brevard	80,419	X						No impact
Miami	Miami-Dade	456,089							
Miami Beach	Miami-Dade	92,797							
Miami Gardens	Miami-Dade	111,998							
Miami Lakes	Miami-Dade	30,456							
Miramar	Broward	134,037							
New Smyrna Beach	Volusia	25,078	X						No impact
North Lauderdale	Broward	44,064							
North Miami	Miami-Dade	63,731							
North Miami Beach	Miami-Dade	44,512							
North Port	Sarasota	64,472							
Oakland Park	Broward	44,098		X	\$160	The City would lose \$120 per permit; however, the City would expect minimal revenue loss since no such permits were issued during the last three fiscal years.			\$ -
Ocala	Marion	59,720	X						No impact
Ocoee	Orange	41,881							
Orlando	Orange	271,752							
Ormond Beach	Volusia	40,366							

Fiscal Impact Analysis of 2017 CS/CS/HB 241 regarding Alarm Systems

Municipality	County	2016 Population	Does your municipality currently charge a permitting fee for the installation or replacement of new or existing low- voltage electric fence?			Estimated revenues resulting from such permitting fees.			Estimated revenue loss
			No	Yes	Amount of Permit Fee	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
Oviedo	Seminole	37,128							
Palm Bay	Brevard	109,162							
Palm Beach Gardens	Palm Beach	51,532							
Palm Coast	Flagler	81,184							
Panama City	Bay	36,909	X						No impact
Parkland	Broward	29,586		X	Permit and inspection fee of \$200	No permit applications received so no revenue to report. The City would lose \$160 per permit; however, there have been no applications in recent years.			\$ -
Pembroke Pines	Broward	161,799							
Pensacola	Escambia	53,690	X		City code (i.e., Sec. 12-2-40.- Fences) prohibits permitting of electrical fences.				No impact
Pinellas Park	Pinellas	52,497		X	Fee amount based on valuation; \$60-\$70 for a typical fence on a residential lot.	No permits for low-voltage electric fences have been issued in the last three years.			\$ -
Plant City	Hillsborough	37,840							
Plantation	Broward	88,328	X						No impact
Pompano Beach	Broward	107,425		X	\$40	No permits for low-voltage electric fences have been issued in the last three years.			\$ -
Port Orange	Volusia	59,315							
Port St. Lucie	St. Lucie	178,091	X						No impact
Riviera Beach	Palm Beach	33,957							
Rockledge	Brevard	26,303		X	Permit fee averages approximately \$45	\$ 900	\$ 900	\$ 900	\$ (100)
Royal Palm Beach	Palm Beach	37,138							
Sanford	Seminole	57,248	X						No impact
Sarasota	Sarasota	53,865							
St. Cloud	Osceola	42,998							
St. Petersburg	Pinellas	259,906							
Sunrise	Broward	90,714							
Tallahassee	Leon	189,675							
Tamarac	Broward	63,309							
Tampa	Hillsborough	365,124							
Temple Terrace	Hillsborough	25,820							
Titusville	Brevard	46,022							
Wellington	Palm Beach	60,308							
West Palm Beach	Palm Beach	108,896							
Weston	Broward	66,526		X	A miscellaneous electrical base permit fee of \$86.34 per structure per trade is charged. Escalating fees based on construction costs.	No significant impact expected as City does not grant many permits for this purpose.			\$ -
Winter Garden	Orange	41,606							
Winter Haven	Polk	39,524	X						No impact
Winter Park	Orange	29,308	X						No impact
Winter Springs	Seminole	36,156							
Municipal Total		8,365,616	20	9		\$ 1,020	\$ 1,020	\$ 1,020	\$ (4,100)

Response Rate 31%

Source: EDR's May 2017 e-mail survey of those 95 municipal governments having a 2016 population greater than 25,000.

REVENUE ESTIMATING CONFERENCE

Tax: Local Taxes and Fees

Issue: Provides that an authority (i.e., a county or municipality) may not prohibit, regulate, or charge for the collocation of small wireless facilities in the public rights-of-way, except as specified, and caps the rate for collocation on an authority utility pole at \$150 annually.

Bill Number(s): CS/CS/HB 687

☒ **Entire Bill**

☐ **Partial Bill:**

Sponsor(s): Commerce Committee and Energy & Utilities Subcommittee and Representative La Rosa

Month/Year Impact Begins: July 1, 2017

Date of Analysis: June 9, 2017

Section 1: Narrative

a. Current Law: Pursuant to s. 337.401, F.S., the Department of Transportation (DOT) and each local governmental entity that has jurisdiction and control of public roads or publicly owned rail corridors are authorized to prescribe and enforce reasonable rules or regulations with regard to the placement and maintenance of utility facilities across, on, or within the right-of-way limits of any road or publicly owned rail corridors under its jurisdiction. These entities are referred to individually as the *authority*. The authority may authorize any person who is a resident of this state, or any corporation which is organized under the laws of this state or licensed to do business within this state, to use a right-of-way for a utility in accordance with the authority's rules or regulations. A utility may not be installed, located, or relocated within a right-of-way unless authorized by a written permit. The permit must require the permit holder to be responsible for any damage resulting from the permitted use of the right-of-way.

Municipalities and counties must treat providers of communications services in a nondiscriminatory and competitively neutral manner when imposing such rules or regulations. The rules and regulations must be generally applicable to all such providers and may not require such providers to apply for or enter into an individual license, franchise, or other agreement as a condition of using the right-of-way.

Pursuant to s. 202.24(1), F.S., the authority of a public body to require taxes, fees, charges, or other impositions from dealers of communications services for occupying its roads and rights-of-way is specifically preempted by the state, with certain exceptions. However, s. 202.24(2)(c), F.S., the following are among the taxes, fees, and charges not preempted.

1. Pole attachment fees charged by a local government for attachments to its utility poles.
2. Amounts charged for the rental or other use of property owned by a public body which is not in the public rights-of-way to a dealer of communications services for any purpose, including, but not limited to, the placement or attachment of equipment used in the provision of communications services.
3. Permit fees related to placing or maintaining facilities in or on public roads or rights-of-way pursuant to s. 337.401, F.S.

b. Proposed Change: The bill amends s. 337.401, F.S., to create the Advanced Wireless Infrastructure Deployment Act, which establishes a process by which wireless providers may place certain *small wireless facilities* on, under, within, or adjacent to certain utility poles or wireless support structures within public rights-of-way that are under the jurisdiction and control of an authority (i.e., a county or municipality). The bill provides that an authority may not prohibit, regulate, or charge for the collocation of small wireless facilities in the public rights-of-way, except as specified in the bill, and caps the rate for collocation on an authority utility pole at \$150 per pole annually.

Small wireless facilities are defined in the bill as wireless facilities that meet the following size limitations:

1. Each antenna associated with the facility is located inside an enclosure of no more than 6 cubic feet in volume or, if the antenna has exposed elements, the antenna and all of its exposed elements would fit within an enclosure of the same volume.
2. All associated wireless equipment is cumulatively no more than 28 cubic feet in volume.

Under the bill, a utility pole includes any pole or similar structure that is used in whole or in part to provide communication services or for electric distribution, lighting, traffic control, signage, or a similar function, but does not include any horizontal support structures to which signal lights or other traffic control devices are attached or any pole or similar structure 15 feet in height or less. The bill excludes utility poles that are:

REVENUE ESTIMATING CONFERENCE

Tax: Local Taxes and Fees

Issue: Provides that an authority (i.e., a county or municipality) may not prohibit, regulate, or charge for the collocation of small wireless facilities in the public rights-of-way, except as specified, and caps the rate for collocation on an authority utility pole at \$150 annually.

Bill Number(s): CS/CS/HB 687

1. Owned by a municipal electric utility or used to support electric distribution facilities owned or operated by a municipality;
2. Located in the right-of-way within a retirement community that is deed-restricted as housing for older persons as defined in s. 760.29(4)(b), F.S., has more than 5,000 residents, and has underground utilities for electric transmission or distribution; or
3. Located in the right-of-way within a municipality that is located on a coastal barrier island as defined in s. 161.053(b)(3), F.S., has a land area of less than 5 square miles, has less than 10,000 residents, and, prior to July 1, 2017, has received referendum approval to issue debt to finance municipal-wide undergrounding of its utilities for electric transmission or distribution.

Section 2: Description of Data and Sources

House Energy and Utilities Subcommittee staff provided written response indicating fees for two municipalities:

City of Jacksonville: Ordinance Code Title XXI, Chapter 711, Part 4A – Site Leases for Small Cell Antennas on City Improvements
Section 711.421: \$250 application fee
Section 711.426: \$1,200 annual site lease fee with 3% annual escalator

Fort Walton Beach: Small Cell Master Lease Agreement with Verizon
Section 3: Annual site lease fee of \$2,000 per site
Section 4: Annual electrical service fee of \$200

Section 3: Methodology (Include Assumptions and Attach Details)

EDR surveyed select local governments to ask if the local government currently charges a fee on wireless providers for the collocation of small wireless facilities in the public rights-of-way. The initial survey was sent on May 15, 2017, and a follow-up survey, in an effort to boost the low response rate, was sent on May 24, 2017. If a fee was indicated, the local government was asked to specify the fee(s) and report estimated revenues resulting from such fees in the last three fiscal years (i.e., FY 2014-15 through FY 2016-17) and to estimate the revenue loss in FY 2017-18 resulting from the legislation.

EDR staff surveyed the 42 county governments having a 2016 population greater than 50,000 and the 95 municipal governments having a 2016 municipal governments having a 2016 population greater than 25,000 (total of 137 local governments). Eight of 42 county governments (i.e., 19%) and 14 of 95 municipal governments (i.e., 15%) responded to the EDR survey (see attached summary).

Seven of the 8 county governments (i.e., 88%) and 10 of the 14 municipal governments (i.e., 71%) responding to the EDR survey indicated that no fee(s) were currently being charged on wireless providers for the collocation of small wireless facilities in the public rights-of-way. For the 1 county government that indicated a current fee, the single county (i.e., Orange) did not quantify the estimated revenue loss but suggested the loss would be great. For the 4 municipal governments that indicated current fees, one municipality (i.e., Cooper City) quantified the estimated revenue loss; however, the other 3 municipalities (i.e., Dania Beach, Homestead, and Jacksonville) did not quantify the estimated revenue loss. Dania Beach and Homestead suggested the losses would be minimal; however, Jacksonville suggested the loss would be significant. In written responses, a number of local governments indicated that more study of the potential impacts would need to be undertaken if the bill became law.

This analysis uses a compound annual growth rate calculated from historical Revenue Account 323.200 – Permits, Fees, and Special Assessments – Franchise Fee – Telecommunications collections to project the estimated revenue losses into the forecast period.

In those cases where a local government does not currently charge such a collocation fee, some local governments indicated that the new legislation, if it becomes law, might encourage them to charge a fee, up to the annual amount of \$150 per pole, as a new source of revenue.

In written responses to the EDR survey, some local governments suggested that the estimated revenue losses might be significant given the potentially large number of future applicants; however, county or municipal government staff would need to study and evaluate the bill language in greater detail, if the bill becomes law. Based on comments by some local governments as to the

REVENUE ESTIMATING CONFERENCE

Tax: Local Taxes and Fees

Issue: Provides that an authority (i.e., a county or municipality) may not prohibit, regulate, or charge for the collocation of small wireless facilities in the public rights-of-way, except as specified, and caps the rate for collocation on an authority utility pole at \$150 annually.

Bill Number(s): CS/CS/HB 687

uncertainty of the bill's fiscal impact and the very limited data gathered from the low number of survey respondents, EDR staff is suggesting that the proposed High impact of indeterminate negative is more appropriate than the Low impact.

Section 4: Proposed Fiscal Impact (Millions \$)

	High		Middle		Low	
	Cash	Recurring	Cash	Recurring	Cash	Recurring
2017-18	(**)	(**)			(0.3)	(0.3)
2018-19	(**)	(**)			(0.3)	(0.3)
2019-20	(**)	(**)			(0.3)	(0.3)
2020-21	(**)	(**)			(0.3)	(0.3)
2021-22	(**)	(**)			(0.3)	(0.3)

List of Affected Trust Funds: Local funds only.

Section 5: Consensus Estimate (Adopted: 06/09/2017): The Conference adopted the high estimate.

	GR		Trust		Local/Other		Total	
	Cash	Recurring	Cash	Recurring	Cash	Recurring	Cash	Recurring
2017-18	0.0	0.0	0.0	0.0	(**)	(**)	(**)	(**)
2018-19	0.0	0.0	0.0	0.0	(**)	(**)	(**)	(**)
2019-20	0.0	0.0	0.0	0.0	(**)	(**)	(**)	(**)
2020-21	0.0	0.0	0.0	0.0	(**)	(**)	(**)	(**)
2021-22	0.0	0.0	0.0	0.0	(**)	(**)	(**)	(**)

	A	B	C	D	E	F	G	H
1	Fiscal Impact Analysis of CS/CS/HB 687 - Utilities							
2								
3								
4	I. Estimated Revenue Losses in FY 2017-18							
5								
6		County Governments			Municipal Governments			
7	Source	Revenue			Revenue			
8	From Survey	\$ -			\$ (292,591)			
9								
10								
11	II. Permits, Fees, and Special Assessments - Franchise Fee - Telecommunications Revenue Collections Reported in Annual Financial Reports (AFRs)							
12								
13		County Governments			Municipal Governments			
14	FY	Revenue	% Chg.		Revenue	% Chg.		
15	2012-13	\$ 3,419,406	-		\$ 9,113,411	-		
16	2013-14	\$ 3,290,268	-3.8%		\$ 10,368,660	13.8%		
17	2014-15	\$ 2,907,965	-11.6%		\$ 9,554,548	-7.9%		
18								
19	Data Source: Compiled from Annual Financial Reports (AFR) submitted by county and municipal governments to the Department of Financial Services (i.e., Revenue Account #323.200).							
20								
21								
22	III. Compound Annual Growth Rate (CAGR) Calculated from Historical Revenue Account 344.900 Collections							
23								
24	CAGR		County Govts		Municipal Govts			
25	2012-13 to 2014-15		-7.8%		2.4%			
26								
27								
28	IV. County and Municipal Revenue Losses Projected into the Forecast Period Using the Compound Annual Growth Rate (CAGR) Based on the Historical Revenue Account 344.900 Collections							
29								
30	FY	County Governments			Municipal Governments			
31	2017-18	\$ -	-		\$ (292,591)	-		
32	2018-19	\$ -	#DIV/0!		\$ (299,589)	2.4%		
33	2019-20	\$ -	#DIV/0!		\$ (306,754)	2.4%		
34	2020-21	\$ -	#DIV/0!		\$ (314,090)	2.4%		
35	2021-22	\$ -	#DIV/0!		\$ (321,602)	2.4%		
36								
37								
38	V. Estimated Revenue Losses (Millions \$) - Sum of County and Municipal Government Figures							
39								
40		High		Middle		Low		
41	FY	Cash	Recurring	Cash	Recurring	Cash	Recurring	
42	2017-18	(**)	(**)			(\$0.3)	(\$0.3)	
43	2018-19	(**)	(**)			(\$0.3)	(\$0.3)	
44	2019-20	(**)	(**)			(\$0.3)	(\$0.3)	
45	2020-21	(**)	(**)			(\$0.3)	(\$0.3)	
46	2021-22	(**)	(**)			(\$0.3)	(\$0.3)	

Fiscal Impact Analysis of 2017 CS/CS/HB 687 regarding Utilities

County	2016 Population	Does your county currently charge a fee on wireless providers for the collocation of small wireless facilities in the public rights-of-way?			Estimated revenues resulting from such fees.			Estimated revenue loss
		No	Yes	Amount of Fee	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
Alachua	257,062	X						No impact
Bay	176,016	X						No impact
Brevard	568,919							
Broward	1,854,513							
Charlotte	170,450							
Citrus	143,054							
Clay	205,321							
Collier	350,202							
Columbia	68,566							
Duval	923,647							
Escambia	309,986							
Flagler	103,095							
Hernando	179,503							
Highlands	101,531							
Hillsborough	1,352,797	X						No impact
Indian River	146,410							
Jackson	50,345							
Lake	323,985							
Lee	680,539							
Leon	287,671							
Manatee	357,591							
Marion	345,749							
Martin	150,870							
Miami-Dade	2,700,794	X		Staff will need to consider impact on operations if collocation requests are received.				No impact
Monroe	76,047							
Nassau	77,841							
Okaloosa	192,925	X						No impact
Orange	1,280,387		X	\$100 right-of-way permit fee per each individual application - not specific to collocation of small wireless facilities				Unspecified but great due to up to 30 requests per application
Osceola	322,862							
Palm Beach	1,391,741							
Pasco	495,868							
Pinellas	954,569							
Polk	646,989							
Putnam	72,972							
Santa Rosa	167,009	X						No impact
Sarasota	399,538							
Seminole	449,124							
St. Johns	220,257	X						No impact
St. Lucie	292,826							
Sumter	118,577							
Volusia	517,411							
Walton	62,943							
County Total	19,548,502	7	1		\$ -	\$ -	\$ -	\$ -

Response Rate 19%

Source: EDR's May 2017 e-mail survey of those 42 county governments having a 2016 countywide population greater than 50,000.

Fiscal Impact Analysis of 2017 CS/CS/HB 687 regarding Utilities

Municipality	County	2016 Population	Does your county currently charge a fee on wireless providers for the collocation of small wireless facilities in the public rights-of-way?			Estimated revenues resulting from such fees.			Estimated revenue loss FY 2017-18
			No	Yes	Amount of Fee	FY 2014-15	FY 2015-16	FY 2016-17	
Altamonte Springs	Seminole	43,905							
Apopka	Orange	47,826							
Aventura	Miami-Dade	37,611							
Boca Raton	Palm Beach	88,275							
Bonita Springs	Lee	48,388	X						No impact
Boynton Beach	Palm Beach	73,163							
Bradenton	Manatee	53,771							
Cape Coral	Lee	170,474	X						No impact
Casselberry	Seminole	27,786							
Clearwater	Pinellas	112,387	X						No impact
Clermont	Lake	34,667							
Coconut Creek	Broward	57,116							
Cooper City	Broward	33,671		X	The City has several cell tower lease agreements with annual escalator	\$ -	\$ -	\$ 294,241	\$ (292,591)
Coral Gables	Miami-Dade	49,449							
Coral Springs	Broward	126,264							
Cutler Bay	Miami-Dade	44,901							
Dania Beach	Broward	31,093		X					Minimal impact
Davie	Broward	99,446							
Daytona Beach	Volusia	64,569							
Deerfield Beach	Broward	77,659							
DeLand	Volusia	31,792	X						No impact
Delray Beach	Palm Beach	63,972							
Deltona	Volusia	88,922							
Doral	Miami-Dade	59,304							
Dunedin	Pinellas	36,060							
Estero	Lee	30,565							
Fort Lauderdale	Broward	176,747							
Fort Myers	Lee	76,108							
Fort Pierce	St. Lucie	42,489							
Gainesville	Alachua	128,612							
Greenacres	Palm Beach	39,066							
Hallandale Beach	Broward	38,621							
Hialeah	Miami-Dade	233,431							
Hollywood	Broward	146,155							
Homestead	Miami-Dade	70,209		X	\$100 annual fee per pole. Additional Make Ready fees for new installations and Maintenance fees for city- completed work.	\$ 131,213	\$ 51,669	\$ 132,000	Minimal
Jacksonville	Duval	878,456		X	\$250 application fee and an annual \$1,200 site lease fee per tower with an annual 3% escalator				Significant revenue loss
Jupiter	Palm Beach	60,615							
Key West	Monroe	25,009	X						No impact
Kissimmee	Osceola	68,401							
Lake Worth	Palm Beach	37,475	X						No impact
Lakeland	Polk	102,507							
Largo	Pinellas	81,587							
Lauderdale Lakes	Broward	34,830							
Lauderhill	Broward	70,677							
Margate	Broward	57,226							
Melbourne	Brevard	80,419							
Miami	Miami-Dade	456,089							
Miami Beach	Miami-Dade	92,797							
Miami Gardens	Miami-Dade	111,998							
Miami Lakes	Miami-Dade	30,456							
Miramar	Broward	134,037							
New Smyrna Beach	Volusia	25,078							
North Lauderdale	Broward	44,064							
North Miami	Miami-Dade	63,731							
North Miami Beach	Miami-Dade	44,512							
North Port	Sarasota	64,472							
Oakland Park	Broward	44,098							
Ocala	Marion	59,720	X						No impact

Fiscal Impact Analysis of 2017 CS/CS/HB 687 regarding Utilities

Municipality	County	2016 Population	Does your county currently charge a fee on wireless providers for the collocation of small wireless facilities in the public rights-of-way?			Estimated revenues resulting from such fees.			Estimated revenue loss
			No	Yes	Amount of Fee	FY 2014-15	FY 2015-16	FY 2016-17	
Ocoee	Orange	41,881							
Orlando	Orange	271,752							
Ormond Beach	Volusia	40,366							
Oviedo	Seminole	37,128							
Palm Bay	Brevard	109,162							
Palm Beach Gardens	Palm Beach	51,532							
Palm Coast	Flagler	81,184							
Panama City	Bay	36,909	X						No impact
Parkland	Broward	29,586							
Pembroke Pines	Broward	161,799							
Pensacola	Escambia	53,690							
Pinellas Park	Pinellas	52,497							
Plant City	Hillsborough	37,840							
Plantation	Broward	88,328	X						No impact
Pompano Beach	Broward	107,425							
Port Orange	Volusia	59,315							
Port St. Lucie	St. Lucie	178,091							
Riviera Beach	Palm Beach	33,957							
Rockledge	Brevard	26,303							
Royal Palm Beach	Palm Beach	37,138							
Sanford	Seminole	57,248							
Sarasota	Sarasota	53,865							
St. Cloud	Osceola	42,998							
St. Petersburg	Pinellas	259,906							
Sunrise	Broward	90,714							
Tallahassee	Leon	189,675							
Tamarac	Broward	63,309							
Tampa	Hillsborough	365,124							
Temple Terrace	Hillsborough	25,820							
Titusville	Brevard	46,022							
Wellington	Palm Beach	60,308							
West Palm Beach	Palm Beach	108,896							
Weston	Broward	66,526							
Winter Garden	Orange	41,606							
Winter Haven	Polk	39,524							
						The City was in discussions with carriers about possible monthly rents and other cities about comparable rents.			No impact
Winter Park	Orange	29,308	X						
Winter Springs	Seminole	36,156							
Municipal Total		8,365,616	10	4		\$ 131,213	\$ 51,669	\$ 426,241	\$ (292,591)

Response Rate 15%

Source: EDR's May 2017 e-mail survey of those 95 municipal governments having a 2016 population greater than 25,000.

REVENUE ESTIMATING CONFERENCE

Tax: Local Taxes and Fees

Issue: Preempts to the state the regulation of Transportation Network Companies (TNCs), TNC drivers, and TNC vehicles and prohibits a local governmental entity or subdivision from requiring a license or imposing a tax on such TNCs. TNC drivers, and TNC vehicles.

Bill Number(s): CS/HB 221 (codified as Chapter 2017-12, Laws of Florida)

☒ **Entire Bill**

☐ **Partial Bill:**

Sponsor(s): Government Accountability Committee and Representatives Sprowls and J. Grant

Month/Year Impact Begins: July 1, 2017

Date of Analysis: June 9, 2017

Section 1: Narrative

- a. Current Law:** Florida law provides for certain regulations regarding taxis, limousines, and other for-hire transportation services, including minimum insurance requirement in s. 324.032, F.S.; an exception to workers' compensation insurance requirements under certain circumstances in s. 440.02(15)(c)10., F.S.; and an exception to child restraint requirements in s. 316.613, F.S. Any additional regulations of these transportation services is established at the local level.

Pursuant to s. 125.01(1)(n), F.S., county governing bodies, to the extent not inconsistent with general or special law, have the power to license and regulate taxis, jitneys (i.e., a bus or other vehicle carrying passengers for a low fare), limousines for hire, rental cars, and for-hire vehicles that operate in the county's unincorporated area.

Pursuant to s. 166.021(3)(c), F.S., municipal governing bodies have the power to enact legislation concerning any subject matter upon which the state legislature may act, except any subject expressly preempted to the state or county governments by the constitution or general law. Since the regulation of taxis, limousines, and other for-hire vehicles has not been expressly preempted to the state or county government, municipalities may regulate these vehicles under their broad home rule powers.

- b. Proposed Change:** The legislation creates Section 627.748, F.S., in Part XI (i.e., Motor Vehicle and Casualty Insurance Contracts) of Chapter 627, F.S., (i.e., Insurance Rates and Contracts) and expresses the Legislature's intent to provide for uniformity of laws governing a Transportation Network Company (TNC), TNC drivers, and TNC vehicles throughout the state. The bill provides that TNCs, TNC drivers, and TNC vehicles will be governed exclusively by state law, including in any locality or other jurisdiction that enacted a law or created rules governing such TNCs, TNC drivers, and TNC vehicles before July 1, 2017.

Subsection 15 of s. 627.748, F.S., provides that a county, municipality, special district, airport authority, port authority, or other local governmental entity or subdivision may not:

- 1) Impose a tax on, or require a license for a TNC, TNC driver, or TNC vehicle if such tax or license relates to providing prearranged rides;
- 2) Subject a TNC, a TNC driver, or a TNC vehicle to any rate, entry, operation, or other requirement of the county, municipality, special district, airport authority, port authority, or other local governmental entity or subdivision; or
- 3) Require a TNC or TNC driver to obtain a business license or any other type of similar authorization to operate within the local governmental entity's jurisdiction.

This subsection does not prohibit an airport or seaport from charging reasonable pickup fees consistent with any pickup fees charged to taxicab companies at that airport or seaport for their use of the airport's or seaport's facilities or prohibit the airport or seaport from designating locations for staging, pickup, and other similar operations at the airport or seaport.

Section 2: Description of Data and Sources

House Government Accountability Committee staff

Florida Association of Special Districts (FASD)

Florida Ports Council

Lyft "Florida Driver Information" webpage: <https://help.lyft.com/hc/en-us/articles/213707938-Florida-Driver-Information>

Uber representative

Section 3: Methodology (Include Assumptions and Attach Details)

EDR surveyed select local governments to ask if the local government has enacted any ordinance or rule regulating TNCs, TNC drivers, or TNC vehicles that would be preempted by this bill. The initial survey was sent on May 15, 2017, and a follow-up survey, in

REVENUE ESTIMATING CONFERENCE

Tax: Local Taxes and Fees

Issue: Preempts to the state the regulation of Transportation Network Companies (TNCs), TNC drivers, and TNC vehicles and prohibits a local governmental entity or subdivision from requiring a license or imposing a tax on such TNCs, TNC drivers, and TNC vehicles.

Bill Number(s): CS/HB 221 (codified as Chapter 2017-12, Laws of Florida)

an effort to boost the low response rate, was sent on May 24, 2017. If a local ordinance or rule was indicated, the local government was asked to specify the fee(s) and report estimated revenues resulting from such fees in the last three fiscal years (i.e., FY 2014-15 through FY 2016-17) and to estimate the revenue loss in FY 2017-18 resulting from the legislation.

EDR staff surveyed the 42 county governments having a 2016 population greater than 50,000 and the 95 municipal governments having a 2016 population greater than 25,000 (total of 137 local governments). Twenty-one of 42 county governments (i.e., 50%) and 30 of 95 municipal governments (i.e., 32%) responded to the EDR survey (see attached summary).

Nineteen of the 21 county governments (i.e., 90%) and 27 of the 30 municipal governments (i.e., 90%) responding to the EDR survey indicated that no local ordinance or rule regulating TNCs has been enacted. For the 2 county governments and 3 municipal governments that indicated local ordinances, estimates of loss revenues in FY 2017-18 totaled \$858,431.

Additionally, an Uber-Florida representative provided data on annual permit fees totaling paid to Palm Beach County (i.e., \$200,000) and the cities of Fort Lauderdale and Tallahassee (i.e., totaling \$320,000). These local governments did not respond to the EDR survey.

This analysis assumes that TNC-related revenues received by county and municipal governments would be reported in Revenue Account 344.900 – Charges for Services-Transportation-Other Transportation Charges. The estimated revenue losses were projected into the forecast period using a compound annual growth rate calculated from historical Revenue Account 344.900 collections.

Section 4: Proposed Fiscal Impact (Millions \$)

	High		Middle		Low	
	Cash	Recurring	Cash	Recurring	Cash	Recurring
2017-18	(**)	(**)			(1.4)	(1.4)
2018-19	(**)	(**)			(1.4)	(1.4)
2019-20	(**)	(**)			(1.5)	(1.5)
2020-21	(**)	(**)			(1.5)	(1.5)
2021-22	(**)	(**)			(1.6)	(1.6)

List of Affected Trust Funds: Local funds only.

Section 5: Consensus Estimate (Adopted: 06/09/2017): The Conference adopted a negative indeterminate impact that is at least the low.

	GR		Trust		Local/Other		Total	
	Cash	Recurring	Cash	Recurring	Cash	Recurring	Cash	Recurring
2017-18	0.0	0.0	0.0	0.0	(**)	(**)	(**)	(**)
2018-19	0.0	0.0	0.0	0.0	(**)	(**)	(**)	(**)
2019-20	0.0	0.0	0.0	0.0	(**)	(**)	(**)	(**)
2020-21	0.0	0.0	0.0	0.0	(**)	(**)	(**)	(**)
2021-22	0.0	0.0	0.0	0.0	(**)	(**)	(**)	(**)

	A	B	C	D	E	F	G	H
1	Fiscal Impact Analysis of CS/HB 221 - Transportation Network Companies							
2								
3								
4	I. Estimated Revenue Losses in FY 2017-18							
5								
6		County Governments			Municipal Governments			
7	Source	Revenue			Revenue			
8	From Survey	\$ (779,331)			\$ (79,100)			
9	From Uber	\$ (200,000)			\$ (320,000)			
10	Total	\$ (979,331)			\$ (399,100)			
11								
12								
13	II. Charges for Services - Transportation - Other Transportation Charges Revenue Collections Reported in Annual Financial Reports (AFRs)							
14								
15		County Governments			Municipal Governments			
16	FY	Revenue	% Chg.		Revenue	% Chg.		
17	2010-11	\$ 34,909,747	-		\$ 24,186,797	-		
18	2011-12	\$ 31,176,390	-10.7%		\$ 22,525,013	-6.9%		
19	2012-13	\$ 45,321,109	45.4%		\$ 21,435,036	-4.8%		
20	2013-14	\$ 47,785,280	5.4%		\$ 23,064,996	7.6%		
21	2014-15	\$ 40,263,133	-15.7%		\$ 26,099,775	13.2%		
22								
23	Data Source: Compiled from Annual Financial Reports (AFR) submitted by county and municipal governments to the Department of Financial Services (i.e., Revenue Account #344.900).							
24								
25								
26	III. Compound Annual Growth Rate (CAGR) Calculated from Historical Revenue Account 344.900 Collections							
27								
28	CAGR		County Govts		Municipal Govts			
29	2010-11 to 2014-15		3.6%		1.9%			
30								
31								
32	IV. County and Municipal Revenue Losses Projected into the Forecast Period Using the Compound Annual Growth Rate (CAGR) Based on the Historical Revenue Account 344.900 Collections							
33								
34	FY	County Governments			Municipal Governments			
35	2017-18	\$ (979,331)	-		\$ (399,100)	-		
36	2018-19	\$ (1,014,892)	3.6%		\$ (406,768)	1.9%		
37	2019-20	\$ (1,051,744)	3.6%		\$ (414,582)	1.9%		
38	2020-21	\$ (1,089,934)	3.6%		\$ (422,547)	1.9%		
39	2021-22	\$ (1,129,511)	3.6%		\$ (430,666)	1.9%		
40								
41								
42	V. Estimated Revenue Losses (Millions \$) - Sum of County and Municipal Government Figures							
43								
44		High		Middle		Low		
45	FY	Cash	Recurring	Cash	Recurring	Cash	Recurring	
46	2017-18	(**)	(**)			(\$1.4)	(\$1.4)	
47	2018-19	(**)	(**)			(\$1.4)	(\$1.4)	
48	2019-20	(**)	(**)			(\$1.5)	(\$1.5)	
49	2020-21	(**)	(**)			(\$1.5)	(\$1.5)	
50	2021-22	(**)	(**)			(\$1.6)	(\$1.6)	

Fiscal Impact Analysis of 2017 CS/HB 221 regarding Transportation Network Companies

County	2016 Population	Has your county enacted any ordinance or rule regulating TNCs, TNC drivers, or TNC vehicles that would be preempted by this law?				Estimated revenues resulting from an applicable tax, fee, or charge.			Estimated revenue loss
		No	Yes	If Yes, identify	Specify fee	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
Alachua	257,062	X							No impact
Bay	176,016	X							No impact
Brevard	568,919	X							No impact
Broward	1,854,513		X	Chapter 22 1/2, Broward County Code of Ordinances, and Chapter 40.50(i), Broward County Administrative Code	Initial application fee of \$250; increasing annual licensing fee, from \$2,000 to \$300,000, depending on total # of vehicles	\$ 8,000	\$ 468,000	\$ 608,000	\$ (608,000)
Charlotte	170,450	X							No impact
Citrus	143,054	X							No impact
Clay	205,321								
Collier	350,202	X							No impact
Columbia	68,566								
Duval	923,647								
Escambia	309,986	X							No impact
Flagler	103,095	X							No impact
Hernando	179,503								
Highlands	101,531								
Hillsborough	1,352,797		X	On a temporary basis only. Adoption of permanent rules was abated in light of this legislation.	Tiered fee structure based on the # of permits issued for TNC vehicles, ranging from \$80 each to \$160 each.	NR	NR	NR	\$ (171,331)
Indian River	146,410								
Jackson	50,345								
Lake	323,985	X							No impact
Lee	680,539								
Leon	287,671								
Manatee	357,591								
Marion	345,749	X							No impact
Martin	150,870								
Miami-Dade	2,700,794								
Monroe	76,047								
Nassau	77,841								
Okaloosa	192,925	X							No impact
Orange	1,280,387	X							No impact
Osceola	322,862								
Palm Beach	1,391,741								
Pasco	495,868	X							No impact
Pinellas	954,569								
Polk	646,989								
Putnam	72,972								
Santa Rosa	167,009	X							No impact
Sarasota	399,538	X							No impact
Seminole	449,124								
St. Johns	220,257	X							No impact
St. Lucie	292,826								
Sumter	118,577	X							No impact
Volusia	517,411	X							No impact
Walton	62,943	X							No impact
County Total	19,548,502	19	2			\$ 8,000	\$ 468,000	\$ 608,000	\$ (779,331)

Response Rate 50%

Source: EDR's May 2017 e-mail survey of those 42 county governments having a 2016 countywide population greater than 50,000.

Fiscal Impact Analysis of 2017 CS/HB 221 regarding Transportation Network Companies										
Municipality	County	2016 Population	Has your county enacted any ordinance or rule regulating TNCs, TNC drivers, or TNC vehicles that would be preempted by this law?				Estimated revenues resulting from an applicable tax, fee, or charge.			Estimated revenue loss
			No	Yes	If Yes, identify	Specify fee	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
Altamonte Springs	Seminole	43,905								
Apopka	Orange	47,826								
Aventura	Miami-Dade	37,611								
Boca Raton	Palm Beach	88,275								
Bonita Springs	Lee	48,388	X							No impact
Boynton Beach	Palm Beach	73,163								
Bradenton	Manatee	53,771								
Cape Coral	Lee	170,474	X							No impact
Casselberry	Seminole	27,786								
Clearwater	Pinellas	112,387	X							No impact
Clermont	Lake	34,667								
Coconut Creek	Broward	57,116								
Cooper City	Broward	33,671	X							No impact
Coral Gables	Miami-Dade	49,449								
Coral Springs	Broward	126,264	X							No impact
Cutler Bay	Miami-Dade	44,901								
Dania Beach	Broward	31,093	X							No impact
Davie	Broward	99,446								
Daytona Beach	Volusia	64,569								
Deerfield Beach	Broward	77,659								
DeLand	Volusia	31,792	X							No impact
Delray Beach	Palm Beach	63,972								
Deltona	Volusia	88,922								
Doral	Miami-Dade	59,304								
Dunedin	Pinellas	36,060								
Estero	Lee	30,565								
Fort Lauderdale	Broward	176,747								
Fort Myers	Lee	76,108								
Fort Pierce	St. Lucie	42,489								
Gainesville	Alachua	128,612		X		\$9,500 annual licensing fee for Uber and Lyft	NR	NR	\$ 19,000	\$ (19,000)
Greenacres	Palm Beach	39,066								
Hallandale Beach	Broward	38,621								
Hialeah	Miami-Dade	233,431								
Hollywood	Broward	146,155								
Homestead	Miami-Dade	70,209	X							No impact
Jacksonville	Duval	878,456	X							No impact
Jupiter	Palm Beach	60,615	X							No impact
Key West	Monroe	25,009	X							No impact
Kissimmee	Osceola	68,401	X							No impact
Lake Worth	Palm Beach	37,475	X							No impact
Lakeland	Polk	102,507								
Largo	Pinellas	81,587								
Lauderdale Lakes	Broward	34,830								
Lauderhill	Broward	70,677								
Margate	Broward	57,226								
Melbourne	Brevard	80,419	X							No impact
Miami	Miami-Dade	456,089								
Miami Beach	Miami-Dade	92,797								
Miami Gardens	Miami-Dade	111,998								
Miami Lakes	Miami-Dade	30,456								
Miramar	Broward	134,037								
New Smyrna Beach	Volusia	25,078	X							No impact
North Lauderdale	Broward	44,064								
North Miami	Miami-Dade	63,731								
North Miami Beach	Miami-Dade	44,512								
North Port	Sarasota	64,472								
Oakland Park	Broward	44,098	X							No impact
Ocala	Marion	59,720	X							No impact
Ocoee	Orange	41,881								
Orlando	Orange	271,752								
Ormond Beach	Volusia	40,366								
Oviedo	Seminole	37,128								
Palm Bay	Brevard	109,162								
Palm Beach Gardens	Palm Beach	51,532								
Palm Coast	Flagler	81,184								
Panama City	Bay	36,909		X	Ordinance 2602	Each TNC is charged \$25.	NR	NR	NR	\$ (100)
Parkland	Broward	29,586	X							No impact
Pembroke Pines	Broward	161,799								
Pensacola	Escambia	53,690		X	City Code Sections 10-2-4 and 10-2-5	TNC's are charged a pickup fee of \$2.50 per pickup at Pensacola International Airport while taxicabs are assessed an annual permit fee. City would be concerned that pickup fees would be disallowed.	\$ 60,000	\$ 60,000	\$ 60,000	\$ (60,000)
Pinellas Park	Pinellas	52,497	X							No impact
Plant City	Hillsborough	37,840								
Plantation	Broward	88,328	X							No impact
Pompano Beach	Broward	107,425	X							No impact

Fiscal Impact Analysis of 2017 CS/HB 221 regarding Transportation Network Companies										
Municipality	County	2016 Population	Has your county enacted any ordinance or rule regulating TNCs, TNC drivers, or TNC vehicles that would be preempted by this law?				Estimated revenues resulting from an applicable tax, fee, or charge.			Estimated revenue loss
			No	Yes	If Yes, identify	Specify fee	FY 2014-15	FY 2015-16	FY 2016-17	
Port Orange	Volusia	59,315								
Port St. Lucie	St. Lucie	178,091	X							No impact
Riviera Beach	Palm Beach	33,957								
Rockledge	Brevard	26,303	X							No impact
Royal Palm Beach	Palm Beach	37,138								
Sanford	Seminole	57,248	X							No impact
Sarasota	Sarasota	53,865								
St. Cloud	Osceola	42,998								
St. Petersburg	Pinellas	259,906								
Sunrise	Broward	90,714								
Tallahassee	Leon	189,675								
Tamarac	Broward	63,309								
Tampa	Hillsborough	365,124								
Temple Terrace	Hillsborough	25,820								
Titusville	Brevard	46,022								
Wellington	Palm Beach	60,308								
West Palm Beach	Palm Beach	108,896								
Weston	Broward	66,526	X							No impact
Winter Garden	Orange	41,606								
Winter Haven	Polk	39,524	X							No impact
Winter Park	Orange	29,308	X							No impact
Winter Springs	Seminole	36,156								
Municipal Total		8,365,616	27	3			\$ 60,000	\$ 60,000	\$ 79,000	\$ (79,100)
Response Rate 32%										
Source: EDR's May 2017 e-mail survey of those 95 municipal governments having a 2016 population greater than 25,000.										

REVENUE ESTIMATING CONFERENCE

Tax: Other Taxes and Fees

Issue: DOH – Medical Faculty Certification

Bill Number(s): CS/CS/HB 209, Ch. 2017-50, L.O.F.

☒ **Entire Bill**

☐ **Partial Bill:**

Sponsor(s): Health & Human Services Committee, Health Quality Subcommittee, Miller, A., and others

Month/Year Impact Begins: July 1, 2017

Date of Analysis: June 7, 2017

Section 1: Narrative

a. Current Law:

Medical Faculty Certificates

The Department of Health (DOH) may issue medical faculty certificates (certificates) to certain physicians allowing them to practice medicine in Florida without passing a licensing exam. These physicians may only practice in conjunction with a full-time faculty position at one of Florida's 8 medical schools/teaching hospitals. To be eligible to receive the certificate, the physician must, among other requirements, remit a nonrefundable \$500 application fee and, upon approval of the application, an initial certificate fee of \$424. The certificate must be renewed every 2 years and the physician must pay a renewal fee of \$360. There is no limit on the number of initial certificates a medical school may receive. However, the number of medical faculty certificates that may be renewed by each medical school is statutorily limited to 30 per school, except the Mayo Clinic is limited to 10 renewed medical faculty certificates.

Temporary Registration of Physicians for Educational Purposes

Upon the request of a dean of a medical school or a director of a teaching hospital, the DOH may authorize a physician, via a temporary registration with DOH, to provide medical care or treatment for educational purposes for a single period of time, not to exceed 180 consecutive days. Such physician must pay a \$100 registration fee. No more than 3 physicians per year, per institution may be registered to provide such services.

b. Proposed Change:

Medical Faculty Certificates

The bill expands the list of eligible medical schools/teaching hospitals that may issue medical faculty certificates to include the Johns Hopkins All Children's Hospital in St. Petersburg, FL, up to 30 active certificates.

Temporary Registration of Physicians for Educational Purposes

The bill authorizes the medical director of a specialty-licensed children's hospital licensed under ch. 395, F.S., that is affiliated with an accredited medical school and its affiliated clinics, to request temporary registration to authorize a physician who is not licensed in Florida to provide medical care or treatment for educational purposes.

Section 2: Description of Data and Sources

Sources

- s. 458.3145, F.S.
- Rule 64B-3.002, F.A.C.
- Department of Health, Agency Analysis of 2017 House Bill 209 (Jan. 11, 2017).
- Email correspondence with DOH staff, June 1-8, 2017
- Email correspondence with AHCA staff, June 6, 2017
- Phone conversation with DOH staff, June 1, 2017 (confirmed no change to fiscal in agency analysis from bill amendments subsequent to date of agency analysis).

Data

Medical Faculty Certificates

- According to DOH, currently there are 54 active medical faculty certificates:
 - University of Florida - 15

REVENUE ESTIMATING CONFERENCE

Tax: Other Taxes and Fees

Issue: DOH – Medical Faculty Certification

Bill Number(s): CS/CS/HB 209, Ch. 2017-50, L.O.F.

- University of Miami – 31 (17 initial certificates, 14 renewed certificates)
 - Florida State University - 1
 - Florida International University - 6
 - University of South Florida – 1
- According to DOH data, the highest number of initial certificates issued by an eligible medical school in any given year is 29 certificates. The average number of certificates issued by an eligible medical school in the past 5 years is 2 per school. The highest historical year of initial certificate issuance per school is provided below:
 - University of Florida - 29 in 1999
 - University of Miami - 17 in 2010
 - Florida State University - 3 in 2016
 - Florida International University - 3 in 2010
 - University of South Florida – 10 in 2000
 - University of Central Florida – 4 in 2016
 - The Mayo Clinic College of Medicine in Jacksonville, FL – 1 in 2011
 - Florida Atlantic University - 0

Temporary Registrations

- According to AHCA, currently there are 4 children’s hospitals in Florida that have the classification as a “specialty-licensed children’s hospital”:
 - Johns Hopkins All Children’s Hospital (St. Petersburg)
 - Nemours Children’s Hospital (Orlando)
 - Nicklaus Children’s Hospital (Miami)
 - Shriners Hospitals for Children (Tampa)
- The DOH has issued 4 temporary registrations of physicians for educational purposes since 2013.

Section 3: Methodology (Include Assumptions and Attach Details)

Medical Faculty Certificates

Assuming the number of applications for certificates at Johns Hopkins is the maximum allowable number of certificates per year (30), the application fee revenue in the first year would be $500 \times 30 = \$15,000$. Additionally, assuming the number of initial certificates issued to Johns Hopkins is the maximum allowable number of certificates per year (30), the initial certificate fee revenue in year 1 would be $424 \times 30 = \$12,720$. Year 1 total is $\$27,720$. In subsequent years, there is a biennial renewal fee of \$360 per certificate, so again assuming the maximum allowable number of certificates per year are renewed (30), the annual renewal fee revenue would be $180 \times 30 = \$5,400$.

Temporary Registrations

Assuming the maximum number of registrations (3 per hospital) at each of Florida’s 4 specialty-licensed children’s hospitals = 12 certificates \times \$100 fee per certificate = \$1,200 increase in fee revenue per year

Section 4: Proposed Fiscal Impact

	High		Middle		Low	
	Cash	Recurring	Cash	Recurring	Cash	Recurring
2017-18			\$28,920	\$6,600		
2018-19			\$1,200	\$6,600		
2019-20			\$6,600	\$6,600		
2020-21			\$1,200	\$6,600		
2021-22			\$6,600	\$6,600		

List of affected Trust Funds: Medical Quality Assurance Trust Fund

REVENUE ESTIMATING CONFERENCE

Tax: Other Taxes and Fees

Issue: DOH – Medical Faculty Certification

Bill Number(s): CS/CS/HB 209, Ch. 2017-50, L.O.F.

Section 5: Consensus Estimate (Adopted: 06/09/2017): The Conference adopted the proposed estimate.

	GR		Trust		Local/Other		Total	
	Cash	Recurring	Cash	Recurring	Cash	Recurring	Cash	Recurring
2017-18	(*)	(*)	(*)	(*)	0.0	0.0	(*)	(*)
2018-19	(*)	(*)	(*)	(*)	0.0	0.0	(*)	(*)
2019-20	(*)	(*)	(*)	(*)	0.0	0.0	(*)	(*)
2020-21	(*)	(*)	(*)	(*)	0.0	0.0	(*)	(*)
2021-22	(*)	(*)	(*)	(*)	0.0	0.0	(*)	(*)

REVENUE ESTIMATING CONFERENCE

Tax: Various Fees

Issue: Department of Agriculture and Consumer Services

Bill Number(s): CS/CS/HB 467

☐ **Entire Bill**

☒ **Partial Bill:** Sections 10, 11, 12, 18, 20, 23, 30, 32, 38, and 39

Sponsor(s): Commerce Committee and Agricultural Property Rights Subcommittee and Raburn (Co-Sponsors) Albritton; Clemons; McGhee

Month/Year Impact Begins: July 1, 2017

Date of Analysis: 06/05/2017

Section 1: Narrative

Sections 10 and 11, Providers of Private Security, Private Investigation and Repossession Services

Current Law:

Chapter 493 regulates private investigation, private security and repossession service agencies. Section 493.6106(2)(d), F.S. requires each agency licensed under ch. 493, F.S., to designate a properly licensed manager for each office and/or branch location. Pursuant to ss. 493.6107, 493.6302 and 493.6402, F.S., the fee to obtain a manager license for each of the occupations regulated thereby is \$75. All receipts collected pursuant to ch. 493, F.S., are deposited into the Division of Licensing Trust Fund within the Department of Agriculture and Consumer Services. (Department)

Section 493.105(3)(j), F.S., requires each individual, partner, or principal officer in a corporation seeking licensure as a private investigation firm to submit, a full set of fingerprints, a fingerprint processing fee, and an annual \$6.00 fingerprint retention fee to the Department.

Proposed Change:

The bill allows the manager of a private investigative agency to manage up to three offices within a 150-mile radius of the manager's primary office. The bill also exempts corporate officers who do not possess licenses subject to renewal under s. 493.6113, F.S., from the fingerprint retention requirements and the associated fees required under s. 493.6108, F.S.

Sections 12, 18, 20 and 23, Private Security, Private Investigation and Repossession Service License Fees

Current Law:

Pursuant to ch. 493, F.S., providers of private security, private investigation and repossession services must meet certain licensure requirements. ch. 493, F.S., denotes many different licenses, with a variety of renewal periods. Class "A," Class "B," Class "AB," Class "K," Class "R," and branch agency licenses are renewable for a period of three years. However, the fees provisions for these licenses are currently described as "biennial". The Joint Administrative Procedures Committee pointed out this inconsistency.

Proposed Change:

The bill corrects inconsistencies related to triennial licenses by removing the term "biennial" from licensing fee statutes provided in ss. 493.6107, 493.6202, 493.6302, and 493.6402, F.S. This change brings statute into conformity with the Department's current administration of ch. 493, F.S.

Section 30 Taximeters

Current Law

The Bureau of Standards within the Department of Agriculture and Consumer Services (Department) is responsible for inspecting commercial weight and measurement devices, including taximeters. The Department funds its inspections with an annual permit fee of \$35.00 per device. Revenues from this fee are deposited into the General Inspection Trust Fund within the Department. However, pursuant to s. 531.61(1), F.S., taximeters are exempt from state regulation and the associated fee if they are licensed and tested by a local government.

Proposed Change:

The bill eliminates the annual taximeter permit fee and exempts all taximeters and transportation measurement systems from state regulation.

Section 32 Recording of Marks and Brands

REVENUE ESTIMATING CONFERENCE

Tax: Various Fees

Issue: Department of Agriculture and Consumer Services

Bill Number(s): CS/CS/HB 467

Current Law:

Section 534.021, F.S., requires any livestock owner who identifies his or her livestock with a brand to register the brand with the Department and paying a \$10 fee for each brand used. Pursuant to s. 534.041, F.S., registering a brand entitles the owner to exclusive use thereof for a period of 5 years. Brand registration may be renewed upon application and payment of a \$5.00 renewal fee.

Proposed Change:

The bill eliminates the renewal fee and extends the renewal period to 10 years.

Section 38 Agricultural Dealer License Fees

Current Law:

Agricultural products dealers must be licensed and post a bond that will be used to reimburse agricultural product producers in the event of default. Section 604.15(2), F.S., generally defines "dealer" as any person, partnership, corporation, or other business entity, engaged in the business of purchasing, receiving, or soliciting agricultural products from the producer for resale. The required bond amount varies from \$5,000 to \$100,000, based on the volume of business transacted by the licensee. Annual licensing fees range from \$170-\$300, based on the bond posted. Pursuant to s. 604.16(2), F.S., dealers who pay in full at the time of purchase using cash or a cash equivalent are exempt from license and bond requirements.

Proposed Change:

The bill adds credit cards to the list of cash equivalent payment methods which are exempt from the license and bond requirements provided in ch. 604, F.S.

Section 39 Restoration of Firearms Eligibility & Fee reduction

Current Law:

Section 790.06, F.S., prohibits the Department from issuing a concealed weapons permit to persons who have been committed for the abuse of alcohol or other controlled substances within the past three years, persons who have been convicted of a drug crime within the past three years, or persons who have been adjudicated incapacitated within the past five years. Statute also prohibits the Department from issuing a concealed weapons permit to a person who has been committed to a mental institution, unless said person produces a certificate from a licensed psychiatrist stating that he or she has not suffered from disability for at least 5 years before the date of application. As explained below, these prohibitions conflict with the provisions of s. 790.065(2)(a)4.d, F.S.

Section 790.065(2)(a)4.d., F.S., sets out the method by which a person whose firearm rights have been restricted may apply for restoration of said rights. In summary, this provision states that a court shall grant restoration of firearm rights if it finds the petitioner will not be likely to act in a manner that is dangerous to public safety and granting the relief would not be contrary to public interest.

Pursuant to 790.06(5)(b), F.S., concealed weapon license applicants pay a fee of \$60 for initial licensure. Once issued, a license is valid for a period of 7 years. Renewing an expired license requires payment of a \$50 renewal fee.

Proposed Change:

The bill clarifies inconsistencies within ch. 790.06, F.S., by replacing the 3-year and 5-year waiting periods that the Department requires for restoration of firearm rights and replaces them with the adherence to the judicial finding of firearm competency prescribed in s. 790.065(2)(a)4.d., F.S. Staff from the Department report that this legislation resulted from a court proceeding which highlighted inconsistencies between the Department's and Florida Department of Law Enforcement's administration of firearms rights restoration. The bill also reduces initial and renewal licensure fees by \$5.00 so that the fee to obtain an initial and renewal licenses will be \$55.00 and \$45.00, respectively.

Section 2: Description of Data and Sources

The Department provided all estimates and supporting data.

REVENUE ESTIMATING CONFERENCE

Tax: Various Fees

Issue: Department of Agriculture and Consumer Services

Bill Number(s): CS/CS/HB 467

Section 3: Methodology (Include Assumptions and Attach Details)

Sections 10 and 11, Providers of Private Security, Private Investigation and Repossession Services

Based on a three-year average of new and renewed agency manager licenses, the Department estimates that allowing a private investigative agency manager to manage multiple locations will have the following impact to revenue:

Fiscal Year	Revenue Impact
17-18	(\$6,562)
18-19	(\$6,748)
19-20	(\$6,748)
20-21	(\$6,748)
21-22	(\$6,748)

Based on a population of 226 corporate officers eligible for exemption, the Department estimates that exempting corporate officers who are not otherwise licensed under ch. 493, F.S. from the \$6.00 fingerprint retention fee will have the following impact on revenue:

Fiscal Year	Revenue Impact
17-18	(\$678)
18-19	(\$2,034)
19-20	(\$3,390)
20-21	(\$4,746)
21-22	(\$6,102)

Section 30 Taximeters

Based on the existing total of 3,700 state-licensed taximeter permits, the Department estimates that eliminating the \$35.00 permit fee will result in the following negative recurring impact to revenue:

Fiscal Year	Revenue Impact
17-18	(\$129,500)
18-19	(\$129,500)
19-20	(\$129,500)
20-21	(\$129,500)
21-22	(\$129,500)

Section 32 Recording of Marks and Brands

Based on a 3-year average of fee revenues, the Department estimates that eliminating the brand registration renewal fee will result in the following revenue impact:

Fiscal Year	Revenue Impact
17-18	(\$7,646)
18-19	(\$7,646)
19-20	(\$7,646)
20-21	(\$7,646)
21-22	(\$7,646)

REVENUE ESTIMATING CONFERENCE

Tax: Various Fees

Issue: Department of Agriculture and Consumer Services

Bill Number(s): CS/CS/HB 467

Section 38 Agricultural Dealer License Fees

Based on a population of 1,054 agricultural product dealers as of FY 15-16 and the assumption that half of agricultural product dealers will begin using credit cards, the Department estimates that including credit card transactions in the definition of “cash equivalent transactions” will result in the following revenue impact:

Fiscal Year	Revenue Impact
17-18	(\$304,730)
18-19	(\$304,730)
19-20	(\$304,730)
20-21	(\$304,730)
21-22	(\$304,730)

Section 39 Restoration of Firearms Eligibility & Fee reduction

The Department estimates that reducing fees associated with obtaining initial and renewed concealed weapon permits will result in the following revenue impact:

Fiscal Year	Revenue Impact
17-18	(\$1,795,130)
18-19	(\$1,705,115)
19-20	(\$1,652,295)
20-21	(\$1,721,325)
21-22	(\$1,721,325)

Section 39 Restoration of Firearms Eligibility

The revenue impacts resulting from amending the firearm right rehabilitation provisions of s. 790.065(2)(a)4.d, F.S into the Department’s licensing statute is difficult because there is no way to know how many applicants will seek a court order restoring their firearm privileges pursuant to s. 790.065(2)(a)4.d, F.S. Staff from the Department do not expect this change will have a significant revenue impact.

Section 4: Proposed Fiscal Impact

	High		Middle		Low	
	Cash	Recurring	Cash	Recurring	Cash	Recurring
2017-18			(\$2,243,569)	(\$2,243,569)		
2018-19			(\$2,154,740)	(\$2,154,740)		
2019-20			(\$2,100,420)	(\$2,100,420)		
2020-21			(\$2,174,695)	(\$2,174,695)		
2021-22			(\$2,176,051)	(\$2,176,051)		

List of affected Trust Funds:

Division of Licensing Trust Fund within the Department (Sections 10 11, 12, 18, 20, 23 and 39) (4% Service Charge)

General Inspection Trust fund within the Department (Sections 30, 32 and 38) (8% GR Service charge)

REVENUE ESTIMATING CONFERENCE

Tax: Various Fees

Issue: Department of Agriculture and Consumer Services

Bill Number(s): CS/CS/HB 467

Section 5: Consensus Estimate (Adopted: June 9, 2017): The Conference adopted the proposed estimate.

	GR		Trust		Local/Other		Total	
	Cash	Recurring	Cash	Recurring	Cash	Recurring	Cash	Recurring
2017-18	(0.2)	(0.2)	(2.1)	(2.1)	0.0	0.0	(2.2)	(2.2)
2018-19	(0.2)	(0.2)	(2.0)	(2.0)	0.0	0.0	(2.2)	(2.2)
2019-20	(0.2)	(0.2)	(2.0)	(2.0)	0.0	0.0	(2.1)	(2.1)
2020-21	(0.2)	(0.2)	(2.0)	(2.0)	0.0	0.0	(2.2)	(2.2)
2021-22	(0.2)	(0.2)	(2.0)	(2.0)	0.0	0.0	(2.2)	(2.2)

REVENUE ESTIMATING CONFERENCE

Tax: Other Taxes and Fees

Issue: Certificates of Nonviable Birth

Bill Number(s): CS/CS/SB101

☒ **Entire Bill**

☐ **Partial Bill:**

Sponsor(s): Cortes, B.

Month/Year Impact Begins: July 1, 2017

Date of Analysis: May 1, 2017

Section 1: Narrative

- a. Current Law:** The Department of Health does not collect information on fetal demise occurring before a gestation period of 20 completed weeks that do not result in a live birth. The department files fetal deaths for pregnancies at 20 or more weeks of gestation in accordance with National Center for Health Statistics standards. DOH must issue a certificate of birth resulting in stillbirth upon the request of any parent listed on a fetal death certificate.
- b. Proposed Change:** Allows the parents of a pregnancy that results in a fetal demise to request and be issued a certificate of “nonviable birth.” The bill defines “nonviable birth” as an unintentional, spontaneous fetal demise occurring after the 9th week of gestation but before the completion of the 20th week of gestation of a pregnancy that has been verified by a health care practitioner. The bill authorizes DOH to collect fees of at least \$3 but no more than \$5 for the processing and filing of a certificate of nonviable birth.

Section 2: Description of Data and Sources

- FL Bureau of Vital Statistics – annual recorded live births, fetal deaths (>20 weeks), and number of certificates of stillbirth requested
- U.S. Dep’t of Health and Human Services, Office of Women’s Health, Pregnancy: Pregnancy Loss, (last rev. Sept. 27, 2010), available at <https://www.womenshealth.gov/pregnancy/you-are-pregnant/pregnancy-loss.html> (last visited May 1, 2017) – miscarriage rates and statistics
- American Pregnancy Association, Miscarriage, (updated August 2016), available at <http://americanpregnancy.org/pregnancy-complications/miscarriage/> (last visited May 1, 2017) – miscarriage rates and statistics

Section 3: Methodology (Include Assumptions and Attach Details)

Using 3-year average (2013-2015) total recorded live births and fetal deaths from FL Bureau of Vital Statistics, the average number of nonviable births per year is estimated assuming that 17.5% of all pregnancies end in miscarriage and 40% of those miscarriages occur after the 9th week of gestation but before the completion of the 20th week of gestation. That figure is then used to estimate the number of nonviable birth certificate requests per year by applying 2.55% - the 10 year average number of stillbirth certificates requested divided by the ten year average number of fetal deaths. It is assumed that the percentage of nonviable birth certificates requested will be similar to the percentage of stillbirth certificates requested. It is assumed that DOH will collect a \$5 processing and filing fee for each nonviable birth certificate.

Three-year average total live births and fetal deaths	Estimated nonviable births	Estimated nonviable birth certificate requests	Estimated revenue assuming \$5 fee
221,660	18,807	479	\$2,395

Section 4: Proposed Fiscal Impact

	High		Middle		Low	
	Cash	Recurring	Cash	Recurring	Cash	Recurring
2017-18			*	*		
2018-19			*	*		
2019-20			*	*		
2020-21			*	*		
2021-22			*	*		

REVENUE ESTIMATING CONFERENCE

Tax: Other Taxes and Fees

Issue: Certificates of Nonviable Birth

Bill Number(s): CS/CS/SB101

List of affected Trust Funds:

Planning and Evaluation Trust Fund

Section 5: Consensus Estimate (Adopted: 06/09/2017): The Conference adopted the proposed estimate.

	GR		Trust		Local/Other		Total	
	Cash	Recurring	Cash	Recurring	Cash	Recurring	Cash	Recurring
2017-18	Insignificant	Insignificant	Insignificant	Insignificant	0.0	0.0	Insignificant	Insignificant
2018-19	Insignificant	Insignificant	Insignificant	Insignificant	0.0	0.0	Insignificant	Insignificant
2019-20	Insignificant	Insignificant	Insignificant	Insignificant	0.0	0.0	Insignificant	Insignificant
2020-21	Insignificant	Insignificant	Insignificant	Insignificant	0.0	0.0	Insignificant	Insignificant
2021-22	Insignificant	Insignificant	Insignificant	Insignificant	0.0	0.0	Insignificant	Insignificant