

## REVENUE ESTIMATING CONFERENCE

**Tax:** Tuition and Fees

**Issue:** Military Postsecondary College Credit and Transcript Fee Waivers

**Bill Number(s):** CS/HB 171: Postsecondary Education for Certain Military Personnel

☒ **Entire Bill**

☐ **Partial Bill:**

**Sponsor(s):** Ponder and Hattersley

**Month/Year Impact Begins:** June 23, 2020

**Date of Analysis:** July 6, 2020

### Section 1: Narrative

#### a. Current Law:

##### Section 1: College credit for military training and education courses

Section 1004.096, F.S., allows eligible servicemembers or veterans of the United States Armed Forces to earn academic college credit at public postsecondary educational institutions for college-level training and education acquired in the military. The Board of Governors is tasked with adopting regulations and the State Board of Education is tasked with adopting rules that enables these students to receive academic credit.

##### Section 2: Fee waivers

Section 1009.26(15), F.S., allows Florida College System institutions the ability to waive any portion of certain fees authorized in section 1009.23, F.S., for a person who is an active duty member of the Armed Forces of the United States using military tuition assistance provided by the United States Department of Defense. Transcript fees are included in section 1009.23(12)(a), F.S. as a fee that can be waived. In FY 2018-19, four of the six Florida College System Institutions with active duty members using tuition assistance enrolled did not provide transcript fee waivers while two of the six institutions did not charge a transcript fee.

#### b. Proposed Change:

##### Section 1: College credit for military training and education courses

In consultation with the Department of Veterans' Affairs, regulations and rules will be adopted by the Board of Governors and the State Board of Education that will allow active duty members and veterans of the United States Armed Forces to earn uniform postsecondary credit or career education clock hours across all Florida public postsecondary educational institutions.

The bill creates a 13-member Articulation Coordinating Committee that will convene a workgroup by July 15, 2020 to establish a process for prioritizing and determining postsecondary course equivalencies and the minimum credit or career clock hours that must be awarded for courses taken and occupations held during their service. The workgroup's review must be provided to the Board of Governors (BOG) and the State Board of Education (SBE) by December 1, 2020 and subsequently approved. Within one year after approval by the BOG and SBE, the Articulation Coordinating Committee will approve the finalized list which must be updated annually. At the following meetings for both the BOG and SBE, the list will be adopted to ensure a sufficient amount of time for public notice. Institutions must award postsecondary credit or career education clock hours that are applicable toward the student's degree or certificate and may also award additional credit or clock hours if appropriate.

##### Section 2: Fee waivers

The bill expands transcript fee waivers by increasing the eligible pool and requiring institutions to provide waivers. Of those eligible for the waiver, the list will now include all active duty members and honorably discharged veterans of the United States Armed Forces, their spouses, and their dependents if they attend a state university, state college, career center operated by a school district, or a charter technical career center. Each institution must report the number and value of transcript fee waivers disbursed. The BOG and SBE are tasked with adopting rules and regulations in administering these waivers.

### Section 2: Description of Data and Sources

SUS Acceleration Credits for Military Training, Board of Governors, Office of Data Analytics.

FCS Acceleration Credits for Military Training, Florida Department of Education, Bureau of PK-20 Education Reporting and Accessibility.

Florida Active Duty Military Population, Florida Department of Military Affairs.

US Census Bureau, American Community Survey, 2016 1-Year published data, Table S2101, Veteran Status.

US Census Bureau, American Community Survey, 2017 1-Year published data, Table S2101, Veteran Status.

US Census Bureau, American Community Survey, 2018 1-Year published data, Table S2101, Veteran Status.

Senior Veterans Service Alliance, "How do you Correct a Bad Discharge?"

State University System Headcount, Board of Governors, Office of Data Analytics.

Florida College System Headcount, Florida Department of Education, Bureau of PK-20 Education Reporting and Accessibility.

District Postsecondary Headcount, Florida Department of Education, Bureau of PK-20 Education Reporting and Accessibility.

Florida Education & Training Placement Information Program, "Florida Public Universities 2017-2018 Bachelor's Degree Graduates."

Florida Education & Training Placement Information Program, "2017-18 Florida College System Associate in Arts Completers."

Florida Education & Training Placement Information Program, "2017-18 Florida College System Associate in Science Degree Completers."

## REVENUE ESTIMATING CONFERENCE

**Tax:** Tuition and Fees

**Issue:** Military Postsecondary College Credit and Transcript Fee Waivers

**Bill Number(s):** CS/HB 171: Postsecondary Education for Certain Military Personnel

Florida Education & Training Placement Information Program, "District Postsecondary Vocational Programs, 2017-18 Completers Statewide."

### Section 3: Methodology (Include Assumptions and Attach Details)

#### Section 1: College credit for military training and education courses

Servicemembers and veterans of the United States Armed Forces currently receive academic credit at state universities, FCS institutions, and district postsecondary career centers. It is unknown whether the uniform, finalized list of college credit will enable these students to receive more or less academic credit than what is done in current practice. Below are tables to show average credit and clock hours students received at state universities and colleges for training and education acquired in the military in FY 2018-19:

State University System Credit Hours Awarded to Completers in FY 2018-19			
Military Status	Students Receiving Credit from Military Training	Total Credit Hours Awarded	Average Credit Hours Awarded Per Student
Active Duty	111	969	8.73
Veteran	961	8,708	9.06

Source: BOG Office of Data Analytics

Florida College System Credit and Clock Hours Awarded in FY 2018-19					
Military Status	Students Receiving Credit from Military Training	Total Credit Hours Awarded	Total Clock Hours Awarded	Total Hours Awarded	Average Hours Awarded Per Student
Active Duty	167	3,823	0	3,823	22.89
Veteran	596	10,126	2	10,128	16.99

Source: Florida Department of Education, Bureau of PK-20 Education Reporting and Accessibility

Additionally, it is unclear when the BOG and SBE will meet to adopt the Articulation Coordinating Committee's approved list and what the effective date of this list will be to allow for adequate public notice. For these reasons, the fiscal year this impact will begin to effect servicemembers and veterans is unknown.

#### Section 2: Fee waivers

The first step was to estimate how many active duty members, veterans, their spouses, and their dependents currently live in Florida. Data for active duty members, their spouses and dependents was obtained from the Florida Department of Military Affairs (DMA), while data for veterans was obtained from 2016, 2017 and 2018 1-Year American Community Survey (ACS) estimates. To determine how many veterans were honorably discharged, a ratio from the Senior Veterans Service Alliance of honorably discharged veterans to total veterans was applied. It was assumed that the ratio of dependents and spouses for retirees, in DMA data, would be similar to the ratio of dependents and spouses for honorably discharged veterans. Total counts were grown by averaging a two-year growth rate, which was held constant over time.

The second step was to evaluate how many active duty members, veterans, their spouses, and their dependents currently receive education at state universities, state colleges, career centers, and charter technical career centers in Florida. Enrollments of active duty members and veterans were available from the Board of Governors and the Department of Education. For universities, it was assumed that the ratios of total spouses and dependents to total active duty members and veterans estimated in the first step would be comparable to enrollment ratios. For FCS institutions, career centers, and charter technical career centers, data was available on the combined number of spouses and dependents at these institutions. Data was split to separate spouses and dependents based on total counts of spouses and dependents found in the first step. Enrollment counts were grown by averaging a two-year growth rate, which was held constant over time. If the average growth rate was negative, the total count annual growth rates were applied.

The third step was to estimate the number of transcripts that will be needed. Since the majority of transcripts will likely be required when students graduate or receive a certificate, Florida Education & Training Placement Information Program (FETPIP) data was used along with enrollment data from the Board of Governors and the Department of Education to estimate how many students that are enrolled graduate within a given year. FETPIP data also tracks how many students that graduate continue education or enter the workforce. Using ratios from FY 2017-18, student counts of graduates that continue education and become employed were estimated. It is important to note that FETPIP data used only tracks students within Florida, so students that continued education or became employed in another state were not accounted for.

It was assumed that all students continuing education would need a transcript. There are other reasons transcripts are necessary, such as applying for internships, scholarships, and taking certification exams. Additionally, students may need multiple transcripts. To account for those additional transcripts, three scenarios were estimated by assuming that 25% (low), 50% (medium), and 75% (high) of graduates that become employed need a transcript.

## REVENUE ESTIMATING CONFERENCE

**Tax:** Tuition and Fees

**Issue:** Military Postsecondary College Credit and Transcript Fee Waivers

**Bill Number(s):** CS/HB 171: Postsecondary Education for Certain Military Personnel

After estimating how many students will need a transcript, the last step was to determine the average transcript fee for each type of institution. Certain institutions were excluded from the average if the transcript fee was not available online. If the transcript fee varied at an institution, the fee prices were averaged.

### Section 4: Proposed Fiscal Impact

	High		Middle		Low	
	Cash	Recurring	Cash	Recurring	Cash	Recurring
2020-21	0.05 M	0.05 M	0.04 M	0.04 M	0.03 M	0.03 M
2021-22	0.06 M	0.06 M	0.05 M	0.05 M	0.04 M	0.04 M
2022-23	0.07 M	0.07 M	0.05 M	0.05 M	0.04 M	0.04 M
2023-24	0.08 M	0.08 M	0.06 M	0.06 M	0.05 M	0.05 M
2024-25	0.09 M	0.09 M	0.07 M	0.07 M	0.06 M	0.06 M

**List of affected Trust Funds:**

### Section 5: Consensus Estimate (Adopted: 07/07/2020): The Conference adopted a negative indeterminate impact for both issues.

	GR		Trust		Local/Other		Total	
	Cash	Recurring	Cash	Recurring	Cash	Recurring	Cash	Recurring
2020-21	0.0	0.0	0.0	0.0	(**)	(**)	(**)	(**)
2021-22	0.0	0.0	0.0	0.0	(**)	(**)	(**)	(**)
2022-23	0.0	0.0	0.0	0.0	(**)	(**)	(**)	(**)
2023-24	0.0	0.0	0.0	0.0	(**)	(**)	(**)	(**)
2024-25	0.0	0.0	0.0	0.0	(**)	(**)	(**)	(**)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
1															
2															
3	Transcript Fees	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25					
4	Total Florida Population	20,484,142	20,840,568	21,208,589	21,555,986	21,892,371	22,219,631	22,536,052	22,839,102	23,130,870					
5	Population Change		1.7%	1.8%	1.6%	1.6%	1.5%	1.4%	1.3%	1.3%					
6															
7	Counts														
8	Active Duty Members	62,015	64,202	66,612	74,274	79,940	86,038	92,601	99,665	107,268					
9	Growth Rate														
10	Spouses	32,151	32,712	33,075	33,022	33,179	33,337	33,495	33,654	33,814					
11	Growth Rate														
12	Dependents	54,910	55,216	55,623	61,236	64,551	68,046	71,730	75,614	79,708					
13	Growth Rate														
14	Veterans (Gulf War 8/1990 or later)	471,795	511,501	518,454	543,794	570,372	598,250	627,490	658,159	690,327					
15	Growth Rate														
16	Spouses	325,047	352,403	357,193	374,652	392,963	412,170	432,315	453,445	475,608					
17	Growth Rate														
18	Dependents	155,506	168,593	170,885	179,237	187,997	197,186	206,824	216,933	227,536					
19	Growth Rate														
20	TOTAL	1,101,424	1,184,627	1,201,842	1,266,215	1,329,002	1,395,027	1,464,455	1,537,470	1,614,261					
21															
22	Active Duty Members Receiving Education														
23	State Universities														
24	Members		653	647	742	793	848	906	968	1,035					
25	Growth Rate			-0.9%	14.7%	6.9%	6.9%	6.9%	6.9%	6.9%					
26	Spouses		333	321	330	332	334	336	338	340					
27	Growth Rate			-3.6%	2.8%	0.5%	0.5%	0.5%	0.5%	0.5%					
28	Dependents		286	268	272	287	303	319	336	354					
29	Growth Rate			-6.3%	1.5%	5.4%	5.4%	5.4%	5.4%	5.4%					
30	State Colleges														
31	Members	2,376	2,515	2,712	2,898	3,096	3,308	3,534	3,776	4,034					
32	Growth Rate														
33	Spouses	285	377	454	574	725	916	1,157	1,462	1,847					
34	Growth Rate														
35	Dependents	488	636	764	957	1,198	1,500	1,878	2,352	2,945					
36	Growth Rate														
37	Career Centers (including Charter Technical)														
38	Members	70	106	82	94	108	124	142	162	185					
39	Growth Rate														
40	Spouses	16	21	27	35	45	58	75	97	126					
41	Growth Rate														
42	Dependents	28	35	45	57	72	91	115	146	185					
43	Growth Rate														
44															
45	Veterans Receiving Education														
46	State Universities														
47	Veterans		4,754	4,704	4,419	4,635	4,862	5,100	5,349	5,610					
48	Growth Rate														
49	Spouses		3,275	3,241	3,045	3,193	3,349	3,513	3,685	3,865					
50	Growth Rate														
51	Dependents		1,567	1,550	1,457	1,528	1,603	1,681	1,763	1,849					
52	Growth Rate														
53	State Colleges														
54	Veterans	12,948	15,706	15,666	17,315	19,137	21,151	23,377	25,837	28,556					
55	Growth Rate														
56	Spouses	2,641	3,717	4,488	5,868	7,672	10,031	13,115	17,147	22,418					
57	Growth Rate														
58	Dependents	1,264	1,778	2,147	2,806	3,668	4,794	6,266	8,190	10,705					
59	Growth Rate														
60	Career Centers (including Charter Technical)														
61	Veterans	2,487	3,302	3,480	4,144	4,935	5,877	6,998	8,333	9,923					
62	Growth Rate														
63	Spouses	149	204	263	350	465	618	821	1,091	1,450					
64	Growth Rate														
65	Dependents	71	98	125	166	220	292	388	515	684					
66	Growth Rate														

Growth Rate Assumptions for Total Counts	Rate
Total Active Duty Members	7.6%
Total Active Duty Spouses	0.5%
Total Active Duty Dependents	5.4%
Total Veterans	4.9%
Total Veteran Spouses	4.9%
Total Veteran Dependents	4.9%

Growth Rate Assumptions for Active Duty Members, Spouses, and Dependents	Rate
Active Duty Members at State Universities	6.9%
Active Duty Spouses at State Universities	0.5%
Active Duty Dependents at State Universities	5.4%
Active Duty Members at State Colleges	6.8%
Active Duty Spouses at State Colleges	26.4%
Active Duty Dependents at State Colleges	25.2%
Active Duty Members at State Career Centers	14.4%
Active Duty Spouses at State Career Centers	29.9%
Active Duty Dependents at State Career Centers	26.8%

Growth Rate Assumptions for Veterans, Spouses, and Dependents	Rate
Veterans at State Universities	4.9%
Veteran Spouses at State Universities	4.9%
Veteran Dependents at State Universities	4.9%
Veterans at State Colleges	10.5%
Veteran Spouses at State Colleges	30.7%
Veteran Dependents at State Colleges	30.7%
Veterans at State Career Centers	19.1%
Veteran Spouses at State Career Centers	32.9%
Veteran Dependents at State Career Centers	32.8%

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
67															
68	High Estimate	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25					
69	Active Military / Veterans / Spouses & Dependents											Assumptions	High	Medium	Low
70	Total State Universities Receiving Education		10,868	10,731	10,265	10,768	11,299	11,855	12,439	13,053		Percent of Total Students at State Universities Graduating/Receiving Certificates	19%	19%	19%
71	Total Students at State Universities Graduating/Receiving Certificates		2,056	2,030	1,942	2,037	2,138	2,243	2,353	2,470		Percent of Total Students at State Colleges Graduating/Receiving Certificates	16%	16%	16%
72	Students at State Universities Needing Transcript for Continuing Education		319	315	301	316	332	348	365	383		Percent of Total Students at Career Centers Graduating/Receiving Certificates	33%	33%	33%
73	Students at State Universities Needing Transcript for Employment		995	982	939	986	1,034	1,085	1,138	1,195					
74	Total Students at State Universities Receiving Transcripts		1,314	1,297	1,240	1,302	1,366	1,433	1,503	1,578		Percent Students at State Universities Continuing Education	16%	16%	16%
75												Percent Students at State Colleges Continuing Education	63%	63%	63%
76	Total State Colleges Receiving Education		24,729	26,231	30,418	35,496	41,700	49,327	58,764	70,505		Percent Students at Career Centers Continuing Education	34%	34%	34%
77	Total Students at State Colleges Graduating/Receiving Certificates		4,072	4,320	5,009	5,845	6,867	8,123	9,677	11,611					
78	Students at State Colleges Needing Transcript for Continuing Education		2,546	2,701	3,132	3,655	4,294	5,079	6,050	7,260		Percent Students at State Universities Found Employed	64%	64%	64%
79	Students at State Colleges Needing Transcript for Employment		2,096	2,224	2,578	3,008	3,534	4,181	4,981	5,976		Percent Students at State Colleges Found Employed	69%	69%	69%
80	Total Students at State Colleges Receiving Transcripts		4,642	4,925	5,710	6,663	7,828	9,260	11,031	13,236		Percent Students at Career Centers Found Employed	74%	74%	74%
81															
82	Total Career Centers Receiving Education		3,766	4,022	4,846	5,845	7,060	8,539	10,344	12,553		Percent Students at State Universities Found Employed Needing Transcripts	75%	50%	25%
83	Total Students at Career Centers Graduating/Receiving Certificates		1,240	1,324	1,596	1,925	2,325	2,812	3,406	4,133		Percent Students at State Colleges Found Employed Needing Transcripts	75%	50%	25%
84	Percent Students at Career Centers Needing Transcript for Continuing Education		427	456	550	664	801	969	1,174	1,425		Percent Students at Career Centers Found Employed Needing Transcripts	75%	50%	25%
85	Percent Students at Career Centers Needing Transcript for Employment		692	739	891	1,074	1,298	1,570	1,901	2,307					
86	Total Students at Career Centers Receiving Transcripts		1,119	1,195	1,441	1,738	2,099	2,539	3,075	3,732		State University Average Transcript Fee	\$9.83	\$9.83	\$9.83
87												State College Average Transcript Fee	\$4.31	\$4.31	\$4.31
88												Career Center Average Transcript Fee	\$4.97	\$4.97	\$4.97
89	State University Students Receiving Transcripts		1,314	1,297	1,240	1,302	1,366	1,433	1,503	1,578					
90	State University Average Transcript Fee		\$9.83	\$9.83	\$9.83	\$ 9.83	\$ 9.83	\$ 9.83	\$ 9.83	\$ 9.83					
91	State University Transcript Fee Revenue		\$12,917	\$12,750	\$12,189	\$12,799	\$13,428	\$14,086	\$14,774	\$15,512					
92															
93															
94	State College Students Receiving Transcripts		4,642	4,925	5,710	6,663	7,828	9,260	11,031	13,236					
95	State College Average Transcript Fee		\$4.31	\$4.31	\$4.31	\$ 4.31	\$ 4.31	\$ 4.31	\$ 4.31	\$ 4.31					
96	State College Transcript Fee Revenue		\$ 20,007	\$ 21,227	\$ 24,610	\$ 28,718	\$ 33,739	\$ 39,911	\$ 47,544	\$ 57,047					
97															
98															
99	Career Center (including Charter Technical) Students Receiving Transcripts		1,119	1,195	1,441	1,738	2,099	2,539	3,075	3,732					
100	Career Center (including Charter Technical) Average Transcript Fee		\$ 4.97	\$ 4.97	\$ 4.97	\$ 4.97	\$ 4.97	\$ 4.97	\$ 4.97	\$ 4.97					
101	Career Center (including Charter Technical) Transcript Fee Revenue		\$ 5,561	\$ 5,939	\$ 7,162	\$ 8,638	\$ 10,432	\$ 12,619	\$ 15,283	\$ 18,548					
102															
103															
104															
105	Total Revenue		\$ 38,485	\$ 39,916	\$ 43,961	\$ 50,155	\$ 57,599	\$ 66,616	\$ 77,601	\$ 91,107					

FY 2017-18	
State University Total Completers	64,502
State University Continuing Education	10,005
State University Found Employed	41,597
State College Total Completers	70,283
State College Continuing Education	43,944
State College Found Employed	48,231
Career Center Total Completers	17,635
Career Center Continuing Education	6,079
Career Center Found Employed	13,123
State University Enrollment	340,917
State College Enrollment	426,791
Career Center Enrollment	53,558

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
106															
107	Medium Estimate	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25					
108	Active Military / Veterans / Spouses & Dependents														
109	Total State Universities Receiving Education		10,868	10,731	10,265	10,768	11,299	11,855	12,439	13,053					
110	Total Students at State Universities Graduating/Receiving Certificates		2,056	2,030	1,942	2,037	2,138	2,243	2,353	2,470					
111	Students at State Universities Needing Transcript for Continuing Education		319	315	301	316	332	348	365	383					
112	Students at State Universities Needing Transcript for Employment		663	655	626	657	690	723	759	797					
113	Total Students at State Universities Receiving Transcripts		982	970	927	973	1,022	1,071	1,124	1,180					
114															
115	Total State Colleges Receiving Education		24,729	26,231	30,418	35,496	41,700	49,327	58,764	70,505					
116	Total Students at State Colleges Graduating/Receiving Certificates		4,072	4,320	5,009	5,845	6,867	8,123	9,677	11,611					
117	Students at State Colleges Needing Transcript for Continuing Education		2,546	2,701	3,132	3,655	4,294	5,079	6,050	7,260					
118	Students at State Colleges Needing Transcript for Employment		1,397	1,483	1,719	2,006	2,356	2,787	3,321	3,984					
119	Total Students at State Colleges Receiving Transcripts		3,943	4,184	4,851	5,661	6,650	7,866	9,371	11,244					
120															
121	Total Career Centers Receiving Education		3,766	4,022	4,846	5,845	7,060	8,539	10,344	12,553					
122	Total Students at Career Centers Graduating/Receiving Certificates		1,240	1,324	1,596	1,925	2,325	2,812	3,406	4,133					
123	Percent Students at Career Centers Needing Transcript for Continuing Education		427	456	550	664	801	969	1,174	1,425					
124	Percent Students at Career Centers Needing Transcript for Employment		462	493	594	716	865	1,047	1,268	1,538					
125	Total Students at Career Centers Receiving Transcripts		889	949	1,144	1,380	1,666	2,016	2,442	2,963					
126															
127															
128	State University Students Receiving Transcripts		982	970	927	973	1,022	1,071	1,124	1,180					
129	State University Average Transcript Fee		\$9.83	\$9.83	\$9.83	\$ 9.83	\$ 9.83	\$ 9.83	\$ 9.83	\$ 9.83					
130	State University Transcript Fee Revenue		\$ 9,653	\$ 9,535	\$ 9,112	\$ 9,565	\$ 10,046	\$ 10,528	\$ 11,049	\$ 11,599					
131															
132															
133	State College Students Receiving Transcripts		3,943	4,184	4,851	5,661	6,650	7,866	9,371	11,244					
134	State College Average Transcript Fee		\$4.31	\$4.31	\$4.31	\$ 4.31	\$ 4.31	\$ 4.31	\$ 4.31	\$ 4.31					
135	State College Transcript Fee Revenue		\$ 16,994	\$ 18,033	\$ 20,908	\$ 24,399	\$ 28,662	\$ 33,902	\$ 40,389	\$ 48,462					
136															
137															
138	Career Center (including Charter Technical) Students Receiving Transcripts		889	949	1,144	1,380	1,666	2,016	2,442	2,963					
139	Career Center (including Charter Technical) Average Transcript Fee		\$ 4.97	\$ 4.97	\$ 4.97	\$ 4.97	\$ 4.97	\$ 4.97	\$ 4.97	\$ 4.97					
140	Career Center (including Charter Technical) Transcript Fee Revenue		\$ 4,418	\$ 4,717	\$ 5,686	\$ 6,859	\$ 8,280	\$ 10,020	\$ 12,137	\$ 14,726					
141															
142															
143															
144	Total Revenue		\$ 31,065	\$ 32,285	\$ 35,706	\$ 40,823	\$ 46,988	\$ 54,450	\$ 63,575	\$ 74,787					

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
145															
146	Low Estimate	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25					
147	Active Military / Veterans / Spouses & Dependents														
148	Total State Universities Receiving Education		10,868	10,731	10,265	10,768	11,299	11,855	12,439	13,053					
149	Total Students at State Universities Graduating/Receiving Certificates		2,056	2,030	1,942	2,037	2,138	2,243	2,353	2,470					
150	Students at State Universities Needing Transcript for Continuing Education		319	315	301	316	332	348	365	383					
151	Students at State Universities Needing Transcript for Employment		332	327	313	329	345	362	379	398					
152	Total Students at State Universities Receiving Transcripts		651	642	614	645	677	710	744	781					
153															
154	Total State Colleges Receiving Education		24,729	26,231	30,418	35,496	41,700	49,327	58,764	70,505					
155	Total Students at State Colleges Graduating/Receiving Certificates		4,072	4,320	5,009	5,845	6,867	8,123	9,677	11,611					
156	Students at State Colleges Needing Transcript for Continuing Education		2,546	2,701	3,132	3,655	4,294	5,079	6,050	7,260					
157	Students at State Colleges Needing Transcript for Employment		699	741	859	1,003	1,178	1,394	1,660	1,992					
158	Total Students at State Colleges Receiving Transcripts		3,245	3,442	3,991	4,658	5,472	6,473	7,710	9,252					
159															
160	Total Career Centers Receiving Education		3,766	4,022	4,846	5,845	7,060	8,539	10,344	12,553					
161	Total Students at Career Centers Graduating/Receiving Certificates		1,240	1,324	1,596	1,925	2,325	2,812	3,406	4,133					
162	Percent Students at Career Centers Needing Transcript for Continuing Education		427	456	550	664	801	969	1,174	1,425					
163	Percent Students at Career Centers Needing Transcript for Employment		231	246	297	358	433	523	634	769					
164	Total Students at Career Centers Receiving Transcripts		658	702	847	1,022	1,234	1,492	1,808	2,194					
165															
166															
167	State University Students Receiving Transcripts		651	642	614	645	677	710	744	781					
168	State University Average Transcript Fee		\$9.83	\$9.83	\$9.83	\$ 9.83	\$ 9.83	\$ 9.83	\$ 9.83	\$ 9.83					
169	State University Transcript Fee Revenue		\$ 6,399	\$ 6,311	\$ 6,036	\$ 6,340	\$ 6,655	\$ 6,979	\$ 7,314	\$ 7,677					
170															
171															
172	State College Students Receiving Transcripts		3,245	3,442	3,991	4,658	5,472	6,473	7,710	9,252					
173	State College Average Transcript Fee		\$4.31	\$4.31	\$4.31	\$ 4.31	\$ 4.31	\$ 4.31	\$ 4.31	\$ 4.31					
174	State College Transcript Fee Revenue		\$ 13,986	\$ 14,835	\$ 17,201	\$ 20,076	\$ 23,584	\$ 27,899	\$ 33,230	\$ 39,876					
175															
176															
177	Career Center (including Charter Technical) Students Receiving Transcripts		658	702	847	1,022	1,234	1,492	1,808	2,194					
178	Career Center (including Charter Technical) Average Transcript Fee		\$ 4.97	\$ 4.97	\$ 4.97	\$ 4.97	\$ 4.97	\$ 4.97	\$ 4.97	\$ 4.97					
179	Career Center (including Charter Technical) Transcript Fee Revenue		\$ 3,270	\$ 3,489	\$ 4,210	\$ 5,079	\$ 6,133	\$ 7,415	\$ 8,986	\$ 10,904					
180															
181															
182															
183	Total Revenue		\$ 23,655	\$ 24,635	\$ 27,447	\$ 31,495	\$ 36,372	\$ 42,293	\$ 49,530	\$ 58,457					

## REVENUE ESTIMATING CONFERENCE

**Tax:** Article V

**Issue:** Clerks Fee Exemption for Guardian Program

**Bill Number(s):** SB 344 ER

☒ **Entire Bill**

☐ **Partial Bill:**

**Sponsor(s):** Bradley

**Month/Year Impact Begins:** 07/01/2020

**Date of Analysis:** 07/07/2020

### Section 1: Narrative

**a. Current Law:** Section 28.345, F.S. provides that the clerk of the circuit court shall provide access to public record without charge to any state attorney, public defender, guardian ad litem, public guardian, attorney ad litem, criminal conflict and regional counsel, or court appointed counsel. The statute later states that the exemption only applies to state agencies and state entities, creating ambiguity in regards to the exempt status of guardians ad litem and public guardians. Section 744.2008, F.S. states that all court filing fees incurred by a public guardian will be paid from the budget of the Office of Public Guardian. Section 744.3675, F.S. states that each guardian must file an annual guardianship plan which shall include a physician's report.

**b. Proposed Change:** Section 28.345, F.S. is revised to clarify that guardians ad litem and public guardians shall be provided access to public record without charge by the clerk of the circuit court. Section 744.2008, F.S. is revised to comply with changes to section 28.345, F.S. Section 744.3675, F.S. is revised to allow the physician's report to be conducted by a physician assistant or advanced practice registered nurse when the physician has delegated responsibility.

### Section 2: Description of Data and Sources

Phone and email contact with OSCA and CCOC staff

Staff Analysis for CS SB 344 prepared by Rules Committee on 02/17/2020

### Section 3: Methodology (Include Assumptions and Attach Details)

The bill removes uncertainty in section 28.345, F.S., clarifying that that guardians ad litem and public guardians shall be provided access to public record without charge by the clerk of the circuit court. For clerks which are currently charging fees, this exemption would represent an indeterminate negative impact to state and local funds depending upon the fees waived. According to CCOC staff, the impact is likely insignificant. Currently, less than 5 clerks do not exempt guardians per section 28.45, F.S. Within those counties, a plurality of cases are exempt from filing fees due to indigent status.

### Section 4: Proposed Fiscal Impact

Trust, GR, Local	High		Middle		Low	
	Cash	Recurring	Cash	Recurring	Cash	Recurring
2020-21	(**)	(**)			(*)	(*)
2021-22	(**)	(**)			(*)	(*)
2022-23	(**)	(**)			(*)	(*)
2023-24	(**)	(**)			(*)	(*)
2024-25	(**)	(**)			(*)	(*)

### List of affected Trust Funds:

General Revenue Fund

Various state and local trust funds (depending upon fee waived)

### Section 5: Consensus Estimate (Adopted: 07/07/2020): The Conference adopted the low estimate.

	GR		Trust		Local/Other		Total	
	Cash	Recurring	Cash	Recurring	Cash	Recurring	Cash	Recurring
2020-21	(Insignificant)	(Insignificant)	(Insignificant)	(Insignificant)	(Insignificant)	(Insignificant)	(Insignificant)	(Insignificant)
2021-22	(Insignificant)	(Insignificant)	(Insignificant)	(Insignificant)	(Insignificant)	(Insignificant)	(Insignificant)	(Insignificant)
2022-23	(Insignificant)	(Insignificant)	(Insignificant)	(Insignificant)	(Insignificant)	(Insignificant)	(Insignificant)	(Insignificant)
2023-24	(Insignificant)	(Insignificant)	(Insignificant)	(Insignificant)	(Insignificant)	(Insignificant)	(Insignificant)	(Insignificant)
2024-25	(Insignificant)	(Insignificant)	(Insignificant)	(Insignificant)	(Insignificant)	(Insignificant)	(Insignificant)	(Insignificant)



## REVENUE ESTIMATING CONFERENCE

**Tax:** Ad Valorem

**Issue:** Alters the boundary lines of Indian River County and St. Lucie County

**Bill Number(s):** SB 716 (codified as Chapter 2020-18, L.O.F.)

☒ **Entire Bill**

☐ **Partial Bill:**

**Sponsor(s):** Senator Mayfield

**Month/Year Impact Begins:** June 9, 2020

**Date of Analysis:** July 7, 2020

### Section 1: Narrative

- a. Current Law:** Section 1(a), Art. VIII of the State Constitution of 1968, states: *The state shall be divided by law into political subdivisions called counties. Counties may be created, abolished or changed by law, with provision for payment and apportionment of the public debt.* Section 7.31, F.S., specifies the boundary lines of Indian River County. Section 7.59, F.S., specifies the boundary lines of St. Lucie County. Adjusting the legal descriptions of one or more counties requires an amendment to general law.
- b. Proposed Change:** The legislation alters the boundary lines of Indian River County and St. Lucie County. According to the February 10, 2020 Bill Analysis and Fiscal Impact Statement prepared by the Senate Committee on Rules, these alterations will transfer a 0.65 acre parcel from St. Lucie County to Indian River County and transfer 5.56 acres of land from Indian River County to St. Lucie County.

### Section 2: Description of Data and Sources

1. Memorandum to the Indian River County BOCC from Brian Sullivan, Legislative Affairs & Communications Manager, dated October 9, 2019. (see attached)
2. Agenda Request to the St. Lucie County BOCC presented by Daniel McIntyre, County Attorney, dated October 1, 2019. (see attached)

According to these documents, an Indian River County property owner owns a parcel on the east side of Highway A1A, which lies partially within Indian River County and partially within St. Lucie County. In 1991, both counties entered into an agreement that addressed issues pertaining to the property's development, including permitting, impact fees, and concurrency. However, the agreement did not address issues related to the provision of services to the property itself. The property owner expressed interest in a county boundary change, which would allow the entire property to be located within Indian River County and would assist in eliminating any confusion about the provision of services to the property.

The respective county staffs had initial discussions about the boundary change. In order to make the boundary changes more equitable between the two counties, Indian River County officials proposed the transfer of 5.56 acres of land on the west side of Highway A1A to St. Lucie County. The 5.56 acre tract of land located in Indian River County is part of a proposed residential development, the bulk of which is located to the immediate south within St. Lucie County. Due to undeveloped park land to the immediate north of the Indian River County tract, the 5.56 acres can only be accessed from St. Lucie County. The developer/owner of the proposed residential development expressed interest in the land exchange in order to facilitate future development of the property and only having to deal with one county government.

With respect to the fiscal impact issue, the Indian River County memorandum states: *Based upon the taxable value of the property located on the east and west sides of Highway A1A, the boundary change will have minimal fiscal impact on Indian River County.*

With respect to the fiscal impact issue, the St. Lucie County agenda request states: *There will be a small reduction in the amount of ad valorem taxes collected. The TRIM notice for St. Lucie County half of the parcel would be transferred into Indian River County who states that the parcel is projected to pay \$8,097.54 in taxes next year. The Indian River County property is undeveloped, and the TRIM notice states the parcel paid \$1,091.23 in taxes last year. There is an annual net loss of \$7,006.31; however, that amount will be more than made up annually when the property is developed. Currently, it is planned for five units.*

## REVENUE ESTIMATING CONFERENCE

**Tax:** Ad Valorem

**Issue:** Alters the boundary lines of Indian River County and St. Lucie County

**Bill Number(s):** SB 716 (codified as Chapter 2020-18, L.O.F.)

### Section 3: Methodology (Include Assumptions and Attach Details)

The attached spreadsheet suggests a very insignificant fiscal impact of approximately (\$200) in the first tax year following the land exchange. The net fiscal impact to the respective counties in future years will be a function of changes to the properties' taxable values and local millage rates.

### Section 4: Proposed Fiscal Impact

	High		Middle		Low	
	Cash	Recurring	Cash	Recurring	Cash	Recurring
2020-21				0/*		
2021-22			(*)	0/*		
2022-23			0/*	0/*		
2023-24			0/*	0/*		
2024-25			0/*	0/*		

**List of Affected Trust Funds:** Local funds only.

**Section 5: Consensus Estimate (Adopted: 07/07/2020):** The Conference adopted a +/- insignificant impact cash and recurring.

	GR		Trust		Local/Other		Total	
	Cash	Recurring	Cash	Recurring	Cash	Recurring	Cash	Recurring
2020-21	0.0	0.0	0.0	0.0	+/-	+/-	+/-	+/-
2021-22	0.0	0.0	0.0	0.0	+/-	+/-	+/-	+/-
2022-23	0.0	0.0	0.0	0.0	+/-	+/-	+/-	+/-
2023-24	0.0	0.0	0.0	0.0	+/-	+/-	+/-	+/-
2024-25	0.0	0.0	0.0	0.0	+/-	+/-	+/-	+/-

**St Lucie parcel moving to Indian River**

	TV	Current Millage	Current Taxes	Other County's Millage	Proposed Taxes	Change in Taxes Collected
Non-School Millage	389,630	13.6606	\$ 5,323	8.6464	\$ 3,369	
School Millage	389,630	7.1220	\$ 2,775	6.5690	\$ 2,559	
Total		20.7826	\$ 8,098	15.2154	\$ 5,928	\$ (2,169)

**Indian River parcel(s) moving to St Lucie**

	TV	Current Millage	Current Taxes	Other County's Millage	Proposed Taxes	Change in Taxes Collected
Non-School Millage	351,368	8.6464	\$ 3,038	13.6606	\$ 4,800	
School Millage	394,460	6.5690	\$ 2,591	7.1220	\$ 2,809	
Total		15.2154	\$ 5,629	20.7826	\$ 7,609	\$ 1,980

Overall Change in Taxes Collected

\$ (189)

## REVENUE ESTIMATING CONFERENCE

**Tax:** Local Taxes and Fees

**Issue:** Makes several changes to the Florida Impact Fee Act (s. 163.31801, F.S.).

**Bill Number(s):** CS/CS/CS SB 1066 (codified as Chapter 2020-58, L.O.F.)

☒ **Entire Bill**

☐ **Partial Bill:**

**Sponsor(s):** Appropriations Committee, Finance and Tax Committee, Community Affairs Committee, and Senator Gruters

**Month/Year Impact Begins:** July 1, 2020

**Date of Analysis:** July 7, 2020

### Section 1: Narrative

**a. Current Law:** Impact fees are amounts imposed by local governments to fund local infrastructure needed to expand local services to meet the demands of population growth caused by development. Pursuant to the Florida Impact Fee Act (s. 163.31801, F.S.), an impact fee adopted by ordinance of a county or municipality or by resolution of a special district must, at a minimum, satisfy all of the following conditions.

1. The calculation of the impact fee must be based on the most recent and localized data.
2. The local government must provide for accounting and reporting of impact fee collections and expenditures. If a local governmental entity imposes an impact fee to address its infrastructure needs, the entity must account for the revenues and expenditures of such impact fee in a separate accounting fund.
3. Administrative charges for the collection of impact fees must be limited to actual costs.
4. The local government must provide notice not less than 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee. A county or municipality is not required to wait 90 days to decrease, suspend, or eliminate an impact fee.
5. Collection of the impact fee may not be required to occur earlier than the date of issuance of the building permit for the property that is subject to the fee.
6. The impact fee must be proportional and reasonably connected to, or have a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction.
7. The impact fee must be proportional and reasonably connected to, or have a rational nexus with, the expenditures of the funds collected and the benefits accruing to the new residential or nonresidential construction.
8. The local government must specifically earmark funds collected under the impact fee for use in acquiring, constructing, or improving capital facilities to benefit new users.
9. Revenues generated by the impact fee may not be used, in whole or in part, to pay existing debt or for previously approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or nonresidential construction.

The local government must credit against the collection of the impact fee any contribution, whether identified in a proportionate share agreement or other form of exaction, related to public education facilities, including land dedication, site planning and design, or construction. Any contribution must be applied to reduce any education-based impact fees on a dollar-for-dollar basis at fair market value.

If a local government increases its impact fee rates, the holder of any impact fee credits, whether such credits are granted under s. 163.3180, s. 380.06, or otherwise, which were in existence before the increase, is entitled to the full benefit of the intensity or density prepaid by the credit balance as of the date it was first established. This subsection shall operate prospectively and not retrospectively.

Audits of financial statements of local governmental entities and district school boards which are performed by a certified public accountant pursuant to s. 218.39 and submitted to the Auditor General must include an affidavit signed by the chief financial officer of the local governmental entity or district school board stating that the local governmental entity or district school board has complied with this section.

In any action challenging an impact fee or the government's failure to provide required dollar-for-dollar credits for the payment of impact fees as provided in s. 163.3180(6)(h)2.b., the government has the burden of proving by a preponderance of the evidence that the imposition or amount of the fee or credit meets the requirements of state legal precedent and this section. The court may not use a deferential standard for the benefit of the government.

## REVENUE ESTIMATING CONFERENCE

**Tax:** Local Taxes and Fees

**Issue:** Makes several changes to the Florida Impact Fee Act (s. 163.31801, F.S.).

**Bill Number(s):** CS/CS/CS SB 1066 (codified as Chapter 2020-58, L.O.F.)

A county, municipality, or special district may provide an exception or waiver for an impact fee for the development or construction of housing that is affordable, as defined in s. 420.9071. If a county, municipality, or special district provides such an exception or waiver, it is not required to use any revenues to offset the impact.

Finally, the Act does not apply to water and sewer connection fees.

**b. Proposed Change:** The legislation makes the following changes to the Florida Impact Fee Act.

***Collection of Impact Fees [s. 163.31801(3)(d), F.S.]***

- Before this legislation became law, a local government was required to provide notice not less than 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee. A county or municipality is not required to wait 90 days to decrease, suspend, or eliminate an impact fee. This legislation adds the following language. Unless the result is to reduce the total mitigation costs or impact fees imposed on an applicant, new or increased impact fees may not apply to current or pending permit applications submitted before the effective date of an ordinance or resolution imposing a new or increased impact fee.

***Impact Fee Credits [s. 163.31801(4) and (8), F.S.]***

- Notwithstanding any charter provision, comprehensive plan policy, ordinance, or resolution, the local government must credit against the collection of the impact fee any contribution, whether identified in a proportionate share agreement or other form of exaction, related to public education facilities, including land dedication, site planning and design, or construction. Any contribution must be applied to reduce any education-based impact fees on a dollar-for-dollar basis at fair market value.
- Impact fee credits are assignable and transferable at any time after establishment from one development or parcel to any other that is within the same impact fee zone or impact fee district or that is within an adjoining impact fee zone or impact fee district within the same local government jurisdiction and receives benefits from the improvement or contribution that generated the credits.

### Section 2: Description of Data and Sources

***Impact Fee Revenue Collections Reported in Counties, Municipalities, and Special Districts in Annual Financial Reports (AFRs)***

Local FY	Counties	Municipalities	Special Districts	Total
2002-03	\$479,479,595	\$183,843,818	\$21,711,285	\$685,034,698
2003-04	\$560,496,789	\$232,910,041	\$20,337,344	\$813,744,174
2004-05	\$812,732,909	\$308,009,057	\$31,681,665	\$1,152,423,631
2005-06	\$1,060,597,975	\$342,267,200	\$25,405,434	\$1,428,270,609
2006-07	\$736,339,197	\$312,321,512	\$23,433,726	\$1,072,094,435
2007-08	\$484,141,722	\$222,508,702	\$20,311,517	\$726,961,941
2008-09	\$206,819,386	\$139,307,822	\$8,552,553	\$354,679,761
2009-10	\$212,423,990	\$123,304,422	\$7,420,750	\$343,149,162
2010-11	\$185,664,703	\$107,753,843	\$8,213,352	\$301,631,898
2011-12	\$246,882,772	\$113,956,207	\$8,773,028	\$369,612,007
2012-13	\$305,043,650	\$146,917,768	\$11,288,627	\$463,250,045
2013-14	\$422,384,294	\$167,987,620	\$16,218,908	\$606,590,822
2014-15	\$503,921,835	\$225,734,604	\$17,357,595	\$747,014,034
2015-16	\$557,292,553	\$279,285,751	\$21,214,871	\$857,793,175
2016-17	\$629,664,693	\$287,110,683	\$21,374,982	\$938,150,358
2017-18	\$735,970,318	\$338,728,803	\$26,810,844	\$1,101,509,965

Data obtained from the Florida Department of Financial Services.

## REVENUE ESTIMATING CONFERENCE

**Tax:** Local Taxes and Fees

**Issue:** Makes several changes to the Florida Impact Fee Act (s. 163.31801, F.S.).

**Bill Number(s):** CS/CS/CS SB 1066 (codified as Chapter 2020-58, L.O.F.)

### ***Impact Fee Revenue Collections Reported in School Districts' Capital Project Funds***

State FY	School Districts
2002-03	\$117,672,871
2003-04	\$254,878,409
2004-05	\$344,249,808
2005-06	\$489,862,914
2006-07	\$339,000,579
2007-08	\$179,699,713
2008-09	\$102,026,663
2009-10	\$109,156,431
2010-11	\$86,654,687
2011-12	\$100,147,102
2012-13	\$168,548,623
2013-14	\$202,651,023
2014-15	\$251,438,926
2015-16	\$265,309,739
2016-17	\$329,651,109
2017-18	\$352,204,280

Data obtained from the Florida Department of Education's Office of Funding and Financial Reporting.

### **Section 3: Methodology (Include Assumptions and Attach Details)**

In late January 2020, EDR staff emailed county and municipal governments to inquire about the potential fiscal impact of similar legislation (i.e., CS/CS/HB 637), which contained similar or identical provisions to this legislation. EDR received a number of responses from local officials. Due to the qualitative nature of those responses, it was not possible to develop a numerical fiscal impact. Based on the totality of those responses, EDR staff recommending a negative indeterminate fiscal impact. However, on February 7, 2020, the REC adopted an indeterminate, positive or negative, fiscal impact on local government impact fee revenues.

On July 6, 2020, EDR staff received the following comments from Patrick McCormack, County Attorney, St. Johns County:  
*In total, St. Johns County has over \$275 million in road impact fee credit outstanding. Based on its review of the most common housing stock in the County, an estimated \$78 million in those road impact fee credits may be affected, if the language of new subsection (8) of Section 163.31801, Florida Statutes, added by SB 1066, were interpreted to be retroactive and apply to existing credits and credit agreements. The County estimates that, were these existing road impact fee credits available for transfer and assignment to other developments, the County's future road impact fee revenue would be greatly reduced, and even eliminated, for the next 5 to 10 years.*

*Further, the County anticipates that SB 1066 will require increased expenditures in administrative costs associated with monitoring and accounting for the transferred and assigned impact fee credits. These administrative costs will be required regardless of whether SB 1066 is interpreted retroactively or prospectively. If SB 1066 is interpreted to be retroactive, the costs would likely be incurred more immediately, due to the large number of existing impact fee credits that would be affected.*

After comparing the provisions of this enacted legislation to the similar legislation (i.e., CS/CS/HB 637) previously considered by the REC and reviewing the previous comments received from local government officials, as well as the recent comments from St. Johns County specifically relevant to this legislation, it would seem that the REC's previously adopted indeterminate, positive or negative, fiscal impact on local government revenues should be revised. The provisions of CS/CS/HB 637, which might have resulted in positive revenue impacts to local governments, are not contained within this legislation. Therefore, EDR staff is recommending a negative indeterminate fiscal impact.

## REVENUE ESTIMATING CONFERENCE

**Tax:** Local Taxes and Fees

**Issue:** Makes several changes to the Florida Impact Fee Act (s. 163.31801, F.S.).

**Bill Number(s):** CS/CS/CS SB 1066 (codified as Chapter 2020-58, L.O.F.)

### Section 4: Proposed Fiscal Impact

	High		Middle		Low	
	Cash	Recurring	Cash	Recurring	Cash	Recurring
2020-21			(**)	(**)		
2021-22			(**)	(**)		
2022-23			(**)	(**)		
2023-24			(**)	(**)		
2024-25			(**)	(**)		

**List of Affected Trust Funds:** Local funds only.

**Section 5: Consensus Estimate (Adopted: 07/07/2020):** The Conference adopted a negative indeterminate impact.

	GR		Trust		Local/Other		Total	
	Cash	Recurring	Cash	Recurring	Cash	Recurring	Cash	Recurring
2020-21	0.0	0.0	0.0	0.0	(**)	(**)	(**)	(**)
2021-22	0.0	0.0	0.0	0.0	(**)	(**)	(**)	(**)
2022-23	0.0	0.0	0.0	0.0	(**)	(**)	(**)	(**)
2023-24	0.0	0.0	0.0	0.0	(**)	(**)	(**)	(**)
2024-25	0.0	0.0	0.0	0.0	(**)	(**)	(**)	(**)

**From:** [Patrick McCormack](#)  
**To:** [O'Cain, Steve](#)  
**Cc:** ["Laura Youmans"](#)  
**Subject:** RE: SB 1066 - Impact Fees  
**Date:** Monday, July 06, 2020 4:38:53 PM

---

Mr. O'Cain,

Stated in a little more detail...again, without making a full legal argument, I do not believe new Section (8) is open to an interpretation that it applies retroactively to preexisting agreements and impact fee credits. Without express language in the statute stating that it be applied retroactively or some other exception, the general rule is that the statutory language would only apply prospectively. However, a number of impact fee credit holder have expressed to the County their view that new Section (8) should apply retroactively to agreements and credits already in place at the effective date of the statute. As indicated in my emails below, the fiscal impact of this interpretation on County revenues would be substantial.

Thanks again,  
Pat

Patrick F. McCormack  
County Attorney  
St. Johns County

500 San Sebastian View  
St. Augustine, Florida 32084  
(904)209-0805 office  
(904)209-0806 fax  
[pmccormack@sjcfl.us](mailto:pmccormack@sjcfl.us)



*Practicing Law with Civility is the Rule!*

*PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from the St. Johns County Board of County Commissioners and employees regarding public business are public records available to the public and media through a request. Your e-mail communications may be subject to public disclosure.*

*This communication may contain privileged and confidential information intended only for the addressee(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please notify the sender by reply email and destroy all copies of the original message.*

*Tax Advice Disclosure: To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including any attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be*



*used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein.*

---

**From:** Patrick McCormack  
**Sent:** Monday, July 6, 2020 4:13 PM  
**To:** 'O'Cain, Steve' <OCAIN.STEVE@leg.state.fl.us>  
**Cc:** 'Laura Youmans' <lyoumans@fl-counties.com>  
**Subject:** RE: SB 1066 - Impact Fees

Hi Mr. O'Cain,

My position is that it is not retroactive, and that it does not act to rewrite existing agreements, but apparently some substantial development community interests disagree. I would prefer not to argue the legal position here, but I am confident the issue will be contested in some manner.

V/r

Patrick F. McCormack  
County Attorney  
St. Johns County

500 San Sebastian View  
St. Augustine, Florida 32084  
(904)209-0805 office  
(904)209-0806 fax  
[pmccormack@sjcfl.us](mailto:pmccormack@sjcfl.us)



*Practicing Law with Civility is the Rule!*

*PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from the St. Johns County Board of County Commissioners and employees regarding public business are public records available to the public and media through a request. Your e-mail communications may be subject to public disclosure.*

*This communication may contain privileged and confidential information intended only for the addressee(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please notify the sender by reply email and destroy all copies of the original message.*

*Tax Advice Disclosure: To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including any*

*attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein.*

---

**From:** O'Cain, Steve <[OCAIN.STEVE@leg.state.fl.us](mailto:OCAIN.STEVE@leg.state.fl.us)>  
**Sent:** Monday, July 6, 2020 3:26 PM  
**To:** Patrick McCormack <[pmccormack@sjcfl.us](mailto:pmccormack@sjcfl.us)>  
**Cc:** 'Laura Youmans' <[lyoumans@fl-counties.com](mailto:lyoumans@fl-counties.com)>  
**Subject:** RE: SB 1066 - Impact Fees

Mr. McCormack,

I am not an attorney by training, so please pardon this follow-up question. In your 12:16PM message, you included the following phrase: "... if the language of new subsection (8) of Section 163.31801, Florida Statutes, added by SB 1066, were interpreted to be retroactive and apply to existing credits and credit agreements." Your later message also questioned the interpretation.

What is it about the new Section (8) language that you believe leaves it open to interpretation with respect to the retroactive or prospective application?

Thank you for your continued assistance.

Steven O'Cain, Senior Legislative Analyst  
The Florida Legislature  
Office of Economic and Demographic Research (EDR)  
111 West Madison Street, Suite 574  
Tallahassee, FL 32399-6588  
Office Phone: 850-717-0470  
E-mail: [ocain.steve@leg.state.fl.us](mailto:ocain.steve@leg.state.fl.us)

Website: <http://edr.state.fl.us>

---

**From:** Patrick McCormack <[pmccormack@sjcfl.us](mailto:pmccormack@sjcfl.us)>  
**Sent:** Monday, July 06, 2020 1:26 PM  
**To:** O'Cain, Steve <[OCAIN.STEVE@leg.state.fl.us](mailto:OCAIN.STEVE@leg.state.fl.us)>  
**Cc:** 'Laura Youmans' <[lyoumans@fl-counties.com](mailto:lyoumans@fl-counties.com)>  
**Subject:** RE: SB 1066 - Impact Fees

Mr. O'Cain,

If it's not too late to ad...

Further, the County anticipates that SB 1066 will require increased expenditures in administrative costs associated with monitoring and accounting for the transferred and assigned impact fee credits. These administrative costs will be required regardless of whether SB 1066 is interpreted retroactively or prospectively. If SB 1066 is interpreted to be retroactive, the costs would likely be incurred more immediately, due to the large number of existing impact fee credits that would be affected.

Thanks again,

Patrick F. McCormack  
County Attorney  
St. Johns County

500 San Sebastian View  
St. Augustine, Florida 32084  
(904)209-0805 office  
(904)209-0806 fax  
[pmccormack@sjcfl.us](mailto:pmccormack@sjcfl.us)



*Practicing Law with Civility is the Rule!*

*PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from the St. Johns County Board of County Commissioners and employees regarding public business are public records available to the public and media through a request. Your e-mail communications may be subject to public disclosure.*

*This communication may contain privileged and confidential information intended only for the addressee(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please notify the sender by reply email and destroy all copies of the original message.*

*Tax Advice Disclosure: To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including any attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein.*

---

**From:** O'Cain, Steve <[OCAIN.STEVE@leg.state.fl.us](mailto:OCAIN.STEVE@leg.state.fl.us)>

**Sent:** Monday, July 6, 2020 12:28 PM

**To:** Patrick McCormack <[pmccormack@sjcfl.us](mailto:pmccormack@sjcfl.us)>

**Cc:** 'Laura Youmans' <[lyoumans@fl-counties.com](mailto:lyoumans@fl-counties.com)>

**Subject:** RE: SB 1066 - Impact Fees

Mr. McCormack,

Thank you.

Steven O'Cain, Senior Legislative Analyst  
The Florida Legislature  
Office of Economic and Demographic Research (EDR)  
111 West Madison Street, Suite 574  
Tallahassee, FL 32399-6588  
Office Phone: 850-717-0470  
E-mail: [ocain.steve@leg.state.fl.us](mailto:ocain.steve@leg.state.fl.us)

Website: <http://edr.state.fl.us>

---

**From:** Patrick McCormack <[pmccormack@sjcfl.us](mailto:pmccormack@sjcfl.us)>

**Sent:** Monday, July 06, 2020 12:16 PM

**To:** O'Cain, Steve <[OCAIN.STEVE@leg.state.fl.us](mailto:OCAIN.STEVE@leg.state.fl.us)>

**Cc:** 'Laura Youmans' <[lyoumans@fl-counties.com](mailto:lyoumans@fl-counties.com)>

**Subject:** RE: SB 1066 - Impact Fees

Dear Mr. O'Cain,

In total, St. Johns County has over \$275 million in road impact fee credit outstanding. Based on its review of the most common housing stock in the County, an estimated \$78 million in those road impact fee credits may be affected, if the language of new subsection (8) of Section 163.31801, Florida Statutes, added by SB 1066, were interpreted to be retroactive and apply to existing credits and credit agreements. The County estimates that, were these existing road impact free credits available for transfer and assignment to other developments, the County's future road impact fee revenue would be greatly reduced, and even eliminated, for the next 5 to 10 years.

Please let me know if you need anything further.

v/r

Patrick F. McCormack  
County Attorney  
St. Johns County

500 San Sebastian View  
St. Augustine, Florida 32084

(904)209-0805 office  
(904)209-0806 fax  
[pmccormack@sjcfl.us](mailto:pmccormack@sjcfl.us)



*Practicing Law with Civility is the Rule!*

*PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from the St. Johns County Board of County Commissioners and employees regarding public business are public records available to the public and media through a request. Your e-mail communications may be subject to public disclosure.*

*This communication may contain privileged and confidential information intended only for the addressee(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please notify the sender by reply email and destroy all copies of the original message.*

*Tax Advice Disclosure: To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including any attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein.*

**From:** O'Cain, Steve <[OCAIN.STEVE@leg.state.fl.us](mailto:OCAIN.STEVE@leg.state.fl.us)>  
**Sent:** Thursday, July 2, 2020 5:39:24 PM  
**To:** Laura Youmans <[lyoumans@fl-counties.com](mailto:lyoumans@fl-counties.com)>  
**Subject:** RE: SB 1066 - Impact Fees

Laura,

By 1PM please ... so I have time to make any necessary changes to documents before my deadline to submit to principals.

Let me ask you a follow-up question. The most recent bill analysis dated March 4, 2020 from Senate Appropriations seems to suggest that the provisions of lines 69-77 might have a positive revenue impact to select local governments. From the counties' perspective, would you agree?

Steven O'Cain, Senior Legislative Analyst  
The Florida Legislature  
Office of Economic and Demographic Research (EDR)  
111 West Madison Street, Suite 574  
Tallahassee, FL 32399-6588  
Office Phone: 850-717-0470  
E-mail: [ocain.steve@leg.state.fl.us](mailto:ocain.steve@leg.state.fl.us)

Website: <http://edr.state.fl.us>

---

**From:** Laura Youmans <[lyoumans@fl-counties.com](mailto:lyoumans@fl-counties.com)>

**Sent:** Thursday, July 02, 2020 5:31 PM

**To:** O'Cain, Steve <[OCAIN.STEVE@leg.state.fl.us](mailto:OCAIN.STEVE@leg.state.fl.us)>

**Subject:** SB 1066 - Impact Fees

Good afternoon Steve,

Thank you for taking the time to speak with me earlier. I have at least one county that thinks they can pull together numbers by Monday. What time is the deadline?

Thank you,

Laura

Laura Youmans

Legislative Counsel

Florida Association of Counties

(850)294-1838

**CAUTION:** This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe. If you believe this message is fraudulent or malicious, please contact MIS for further assistance.

**CAUTION:** This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe. If you believe this message is fraudulent or malicious, please contact MIS for further assistance.

**CAUTION:** This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe. If you believe this message is fraudulent or malicious, please contact MIS for further assistance.

## REVENUE ESTIMATING CONFERENCE

**Tax:** Other Taxes and Fees

**Issue:** Donations to the Friends of Florida Citrus Program

**Bill Number(s):** CS/SB1276

☒ **Entire Bill**

☐ **Partial Bill:**

**Sponsor(s):** Senator Albritton

**Month/Year Impact Begins:** July 1, 2020

**Date of Analysis:** May 26, 2020

### Section 1: Narrative

- a. **Current Law:** The Department of Citrus is charged with the marketing, research and regulation of the Florida citrus industry. The Department is funded by assessments paid by growers on boxes of citrus. The Florida Citrus Commission governs the department. Citrus assessments are paid into the Florida Citrus Advertising Trust Fund.
- b. **Proposed Change:** Establishes the Friends of Florida Citrus Program that allows private corporations to donate to the program, which will be deposited into the Florida Citrus Advertising Trust Fund. Exempts these donations from the General Revenue Service Charge.

### Section 2: Description of Data and Sources

FY 2018-19 State Trust Fund Donations

[Swiss Flavor donates \\$3.5 million to University of California for Citrus Greening Research](#), FoodDive, March 2019

### Section 3: Methodology (Include Assumptions and Attach Details)

Trust Fund	FY 2018-19 Donations
State Transportation TF	\$24,094,088.04
Federal Grants TF	\$388,221.21
State Park TF	\$313,371.60
Turnpike General Reserve TF	\$37,416.56
Grants & Donations TF	\$25,010.00
Grants & Donations TF	\$15,000.00
Marine Resources Conservation TF	\$7,500.00
Grants & Donations TF	\$3,370.00
State Game TF	\$645.20
Save the Manatee TF	\$175.00

The magnitude of future donations is unknown. The bill only allows donations to originate from “private corporations” which will limit the number of donations it can receive. Based on the size of the industry, the estimate of a positive indeterminate impact is recommended.

### Section 4: Proposed Fiscal Impact

	High		Middle		Low	
	Cash	Recurring	Cash	Recurring	Cash	Recurring
2020-21			**	**		
2021-22			**	**		
2022-23			**	**		
2023-24			**	**		
2024-25			**	**		

**List of affected Trust Funds:** Florida Citrus Advertising Trust Fund

## REVENUE ESTIMATING CONFERENCE

**Tax:** Other Taxes and Fees

**Issue:** Donations to the Friends of Florida Citrus Program

**Bill Number(s):** CS/SB1276

**Section 5: Consensus Estimate (Adopted: 07/07/2020):** The Conference adopted a zero/positive indeterminate impact.

	GR		Trust		Local/Other		Total	
	Cash	Recurring	Cash	Recurring	Cash	Recurring	Cash	Recurring
2020-21	0.0	0.0	0.0	0.0	0/**	0/**	0/**	0/**
2021-22	0.0	0.0	0.0	0.0	0/**	0/**	0/**	0/**
2022-23	0.0	0.0	0.0	0.0	0/**	0/**	0/**	0/**
2023-24	0.0	0.0	0.0	0.0	0/**	0/**	0/**	0/**
2024-25	0.0	0.0	0.0	0.0	0/**	0/**	0/**	0/**



## REVENUE ESTIMATING CONFERENCE

**Tax:** Other Taxes and Fees

**Issue:** Health Access Dental Licenses

**Bill Number(s):** CS/HB1461

☒ **Entire Bill**

☐ **Partial Bill:**

**Sponsor(s):** Health quality Subcommittee, Brown

**Month/Year Impact Begins:** June 18, 2020 (Retroactive to January 1, 2020)

**Date of Analysis:** 7/9/2020

### Section 1: Narrative

#### a. Current Law:

Section 466.004, F.S., establishes the Board of Dentistry (BOD) within the Department of Health (department) to regulate the practice of dentistry. The requirements for dental licensure by examination are found in s. 466.006, F.S. A person desiring to be licensed as a dentist must apply to the department to take the examinations.

Sections 466.067 through 466.00673, F.S., established the authority for Board to issue health access dental licenses. The health access dental license was established in 2008 to attract out-of-state dentists to practice in underserved health access settings in this state, without supervision. A health access setting is a program or institution operated by the Department of Children and Families, Department of Health, Department of Juvenile Justice, a nonprofit health care center, a Head Start center, a federally-qualified health center or a lookalike, a school-based prevention program, a clinic operated by an accredited college of dentistry, or certain accredited dental hygiene program. Health access dental licenses must be renewed biennially. A licensee must meet the same continuing education requirements as a Florida-licensed dentist. Additionally, a licensee must continue to meet all the requirements for initial licensure. DOH is authorized to establish application, examination, initial licensure, and licensure renewal fees for health access dental licenses. The Board may revoke a health access dental license if the licensee is terminated from employment at the health access setting, practices outside of the health access setting, fails the Florida dental examination, or is found to have violated the Dental Practice Act.

Section 466.00673, F.S., repeals the statutory authority for the health access dental license on January 1, 2020, if not reenacted by the Legislature.

**b. Proposed Change:** The bill revives and reenacts the statutory authority for health access dental licenses retroactively to January 1, 2020, and repeals the obsolete language setting the January 1, 2020, sunset of health access dental licenses. This gives DOH and the Board of Dentistry the statutory authority to resume issuing and renewing such licenses, and allows the program to continue as if it had not expired on January 1, 2020.

### Section 2: Description of Data and Sources

Florida Department of Health, Division of Medical Quality Assurance, Annual Report and Long-Range Plan, Fiscal Year 2018-2019

Florida Department of Health, Division of Medical Quality Assurance, Annual Report and Long-Range Plan, Fiscal Year 2017-2018

Florida Department of Health, Division of Medical Quality Assurance, Annual Report and Long-Range Plan, Fiscal Year 2016-2017

<https://floridasdentistry.gov/renewals/health-access-dentist>

### Section 3: Methodology (Include Assumptions and Attach Details)

The biennium for these licenses begins on March 1 of an even year and ends on February 28 on an even year 2 years later. The license must be renewed no later than February 28 of the even year 2 years removed. Current license holders (those with licenses as of February 28 2020) must renew no later than February 28 2022. Total fees for new applicants is \$405. If applicant applies in the second year of the biennium, the total fee is \$260. All initial licenses expire February 28 of following even year. Renewal fees are \$305.

The historic number of existing and new licenses is reported in the Florida Department of Health, Division of Medical Quality Assurance, Annual Report and Long-Range Plans FY 2016-17 through FY 2018-19. These historic numbers were grown by their average growth rate, 4% for total licenses and 0% (a flat 7 per year) for new licenses.

To estimate fee collection, the new licensees paid either \$405 in even years or \$260 in odd years. Those renewing their license paid \$305 in the even years. The even years has higher fee collection because of the set biennium calendar.

## REVENUE ESTIMATING CONFERENCE

**Tax:** Other Taxes and Fees

**Issue:** Health Access Dental Licenses

**Bill Number(s):** CS/HB1461

### Section 4: Proposed Fiscal Impact

	High		Middle		Low	
	Cash	Recurring	Cash	Recurring	Cash	Recurring
2020-21			\$1,820.00	\$1,820.00		
2021-22			\$17,780.00	\$17,780.00		
2022-23			\$1,820.00	\$1,820.00		
2023-24			\$19,000.00	\$19,000.00		
2024-25			\$1,820.00	\$1,820.00		

### List of affected Trust Funds:

Medical Quality Assurance Trust Fund (MQAF)

### Section 5: Consensus Estimate (Adopted: 07/07/2020): The Conference adopted a positive insignificant impact.

	GR		Trust		Local/Other		Total	
	Cash	Recurring	Cash	Recurring	Cash	Recurring	Cash	Recurring
2020-21	Insignificant	Insignificant	Insignificant	Insignificant	0.0	0.0	Insignificant	Insignificant
2021-22	Insignificant	Insignificant	Insignificant	Insignificant	0.0	0.0	Insignificant	Insignificant
2022-23	Insignificant	Insignificant	Insignificant	Insignificant	0.0	0.0	Insignificant	Insignificant
2023-24	Insignificant	Insignificant	Insignificant	Insignificant	0.0	0.0	Insignificant	Insignificant
2024-25	Insignificant	Insignificant	Insignificant	Insignificant	0.0	0.0	Insignificant	Insignificant

# REVENUE ESTIMATING CONFERENCE

**Tax:** Other Taxes and Fees

**Issue:** Health Access Dental Licenses

**Bill Number(s):** CS/HB1461

Historic and Forecasted Health Access Dental Licenses			
FY	Total Active	New Licenses	Existing Licenses
2016-17	46	7	39
2017-18	47	7	40
2018-19	50	7	43
2019-20	52	7	45
2020-21	54	7	47
2021-22	56	7	49
2022-23	58	7	51
2023-24	60	7	53
2024-25	62	7	55

Estimated Fee Collection			
FY	Total Fees	New Fees (\$405/\$260)	Renewal Fees (\$305)
2020-21	\$ 1,820.00	\$ 1,820.00	
2021-22	\$ 17,780.00	\$ 2,835.00	\$ 14,945.00
2022-23	\$ 1,820.00	\$ 1,820.00	
2023-24	\$ 19,000.00	\$ 2,835.00	\$ 16,165.00
2024-25	\$ 1,820.00	\$ 1,820.00	

## REVENUE ESTIMATING CONFERENCE

**Tax:** Other Taxes & Fees

**Issue:** License Fees for Substance Abuse Providers

**Bill Number(s):** CS/SB 7012, Ch. 2020-39, L.O.F.

☐ **Entire Bill**

☒ **Partial Bill:** Section 11

**Sponsor(s):** Appropriations Committee (Recommended by Appropriations Subcommittee on Health and Human Services); Children, Families, and Elder Affairs Committee; and Senator Rouson

**Month/Year Impact Begins:** July 1, 2020

**Date of Analysis:** June 25, 2020

### Section 1: Narrative

- a. Current Law:** The DCF regulates substance abuse treatment by licensing individual treatment components under statute and rule. All private and publicly-funded entities providing substance abuse services must be licensed with DCF for each service component they provide.

However, s. 397.4012, F.S., exempts from this licensure:

- Hospitals licensed under ch. 395, F.S.;
- Nursing home facilities;
- Substance abuse education program established pursuant to s. 1003.42, F.S.;
- Facilities operated by the Federal Government;
- A physician or physician assistant licensed under chs. 458 or 459, F.S.;
- Psychologist licensed under ch. 490, F.S.;
- Social workers, marriage and family therapist or mental health counselors licensed under ch. 491, F.S.;
- Churches or nonprofit religious organizations providing substance abuse services that are solely religious, spiritual or ecclesiastical in nature;
- Facilities licensed under ch. 393, F.S.;
- Crisis stabilization units licensed under ch. 394, F.S.;
- DUI education and screening services provider under chs. 316 or 322, F.S.

The exemptions from licensure do not apply if the entity provides state-funded services through the DCF managing entity system or provides services under a government-operated substance abuse program. Licensed service components include a continuum of substance abuse prevention, intervention, and clinical treatment services.

“Clinical treatment services” include, but are not limited to, the following licensable service components, each of which has its own license fee (publicly-funded provider fee/private-funded provider fee) set by DCF rule, and based on the estimated cost of administration:

- Addictions receiving facility (\$325/\$375);
- Day or night treatment (\$250/\$300);
- Day or night treatment with community housing (\$250/\$300);
- Detoxification (\$325/\$375);
- Intensive inpatient treatment (\$325/\$350);
- Intensive outpatient treatment (\$250/\$300);
- Medication-assisted treatment for opiate addiction (\$350/\$400);
- Outpatient treatment (\$250/\$300);
- Residential treatment (\$300/\$350);
- Aftercare (\$200/\$250);
- Intervention (\$200/\$250); and
- Prevention (\$200/\$250).

**b. Proposed Change:**

The bill amends s. 397.4012, F.S., to allow the following substance abuse service providers to be exempt from licensure even if they contract with the DCF or a managing entity:

- A hospital or hospital-based component;
- A nursing home facility;
- An allopathic or osteopathic physician or physician assistant;

## REVENUE ESTIMATING CONFERENCE

**Tax:** Other Taxes & Fees

**Issue:** License Fees for Substance Abuse Providers

**Bill Number(s):** CS/SB 7012, Ch. 2020-39, L.O.F.

- A licensed psychologist;
- A licensed social worker;
- A licensed marriage and family therapist;
- A licensed mental health counselor; and
- A crisis stabilization unit.

Allowing certain substance abuse service providers an exemption from licensure is expected to increase the number of providers available to the DCF and managing entities to provide substance abuse services.

### Section 2: Description of Data and Sources

Discussions with staff from the DCF and from the House Children, Families & Seniors Subcommittee of the Health & Human Services Committee

House of Representatives Staff Analysis of CS/CS/HB 1081 (Section 6 of that bill is identical to section 11 of CS/SB 7012)

DCF analysis of HB 1081

Section 397.4012, F.S.; Rules 65D-30.0034, 35 and 36, F.A.C.

<https://www.myflfamilies.com/service-programs/samh/licensure-regulation/>

### Section 3: Methodology (Include Assumptions and Attach Details)

The Department of Children and Families does not track the type of facility/provider being licensed for these services, so it was not possible to calculate with specificity the number of currently licensed facilities/providers who will no longer need to maintain this licensure. However, DCF staff indicated they believe the number of currently licensed facilities or providers who will no longer need to pay the annual licensure fee will be incidental to their overall collections for this program. The purpose of this language was to allow the managing entities to contract with facilities/providers that do not wish to go through the licensing process, thereby increasing the available providers for the state. The agency's best estimate of the effect on current licensees was that 5% might no longer be required to pay annual license fees. They estimate an absolute cap of 10% of current licensees would no longer pay the fees.

The agency also indicated that annual licenses have declined over the last three years for other reasons, and they anticipate that trend continuing. The attached worksheet assumes a 3% continued annual decline in license fees for outside factors (the decline was 10% and 5%, respectively, for the last two year-over-year fiscal periods).

The high assumes 10% of estimated current licensees will no longer pay these fees. The middle assumes 5% will no longer pay these fees. The low assumes less than 5%, but at least one facility or provider who currently pays these fees will no longer pay these fees under the new language.

### Section 4: Proposed Fiscal Impact (in millions)

	High		Middle		Low	
	Cash	Recurring	Cash	Recurring	Cash	Recurring
2020-21	(0.1)	(0.1)	(*)	(*)	(*)	(*)
2021-22	(0.1)	(0.1)	(*)	(*)	(*)	(*)
2022-23	(0.1)	(0.1)	(*)	(*)	(*)	(*)
2023-24	(0.1)	(0.1)	(*)	(*)	(*)	(*)
2024-25	(0.1)	(0.1)	(*)	(*)	(*)	(*)

**List of affected Trust Funds:** Operations and Maintenance Trust Fund

# REVENUE ESTIMATING CONFERENCE

**Tax:** Other Taxes & Fees

**Issue:** License Fees for Substance Abuse Providers

**Bill Number(s):** CS/SB 7012, Ch. 2020-39, L.O.F.

**Section 5: Consensus Estimate (Adopted: 07/07/2020):** The Conference adopted a negative insignificant impact.

	GR		Trust		Local/Other		Total	
	Cash	Recurring	Cash	Recurring	Cash	Recurring	Cash	Recurring
2020-21	(*)	(*)	(*)	(*)	0.0	0.0	(*)	(*)
2021-22	(*)	(*)	(*)	(*)	0.0	0.0	(*)	(*)
2022-23	(*)	(*)	(*)	(*)	0.0	0.0	(*)	(*)
2023-24	(*)	(*)	(*)	(*)	0.0	0.0	(*)	(*)
2024-25	(*)	(*)	(*)	(*)	0.0	0.0	(*)	(*)

Total Fees Collected (not including impact of bill) (in thousands):	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025
Assuming no increase or decrease for outside factors	1000	900	850	850	850	850	850	850	850
Assuming 3% annual decrease after 2018-19:	1000	900	850	825	800	776	752	730	708

If ignoring decrease for outside factors (no assumed growth):									
High Impact (10% decrease)				(85)	(85)	(85)	(85)	(85)	(85)
Middle Impact (5% decrease)*				(43)	(43)	(43)	(43)	(43)	(43)
Low Impact*				(*)	(*)	(*)	(*)	(*)	(*)

\*Note: Middle and low would both be (\*) under normal conference conventions as they are all under \$50,000. Numbers for reference and added flexibility for adjustments.

Assuming 3% decrease for outside factors:									
High Impact (10% decrease)				(82)	(80)	(78)	(75)	(73)	(71)
Middle Impact (5% decrease)*				(41)	(40)	(39)	(38)	(36)	(35)
Low Impact*				(*)	(*)	(*)	(*)	(*)	(*)

\*Note: Middle and low would both be (\*) under normal conference conventions as they are all under \$50,000. Numbers for reference and added flexibility for adjustments.

Same information, but in millions:

Total Fees Collected (not including impact of bill) (in millions):	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025
Assuming no increase or decrease for outside factors	1.00	0.90	0.85	0.85	0.85	0.85	0.85	0.85	0.85
Assuming 3% annual decrease after 2018-19:	1.00	0.90	0.85	0.82	0.80	0.78	0.75	0.73	0.71

If ignoring decrease for outside factors (no assumed growth):									
High Impact (10% decrease)				(0.09)	(0.09)	(0.09)	(0.09)	(0.09)	(0.09)
Middle Impact (5% decrease)*				(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)
Low Impact*				(*)	(*)	(*)	(*)	(*)	(*)

\*Note: Middle and low would both be (\*) under normal conference conventions as they are all under \$50,000. Numbers for reference and added flexibility for adjustments.

Assuming 3% decrease for outside factors:									
High Impact (10% decrease)				(0.08)	(0.08)	(0.08)	(0.08)	(0.07)	(0.07)
Middle Impact (5% decrease)*				(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)
Low Impact*				(*)	(*)	(*)	(*)	(*)	(*)

\*Note: Middle and low would both be (\*) under normal conference conventions as they are all under \$50,000. Numbers for reference and added flexibility for adjustments.



## REVENUE ESTIMATING CONFERENCE

**Tax:** Home Medical Product Seller License Fee

**Issue:** Electrostimulation Medical Equipment License

**Bill Number(s):** CS/SB 1742

☒ **Entire Bill**

☐ **Partial Bill:**

**Sponsor(s):** Senator Mayfield

**Month/Year Impact Begins:** July 1, 2020

**Date of Analysis:** June 12, 2020

### Section 1: Narrative

**a. Current Law:** Under current law, physicians licensed under chs. 458 and 459, F.S., and chiropractic physicians licensed under ch. 460, F.S., are not exempt from the licensing requirement as a home medical provider.

From s. 400.93 (1) F.S.: "Any person or entity that holds itself out to the public as providing home medical equipment and services or accepts physician orders for home medical equipment and services is subject to licensure under this part."

Currently, s. 400.93 (5), F.S. provides exemptions for: Providers operated by the Department of Health (DOH) or the federal government; Nursing homes; Assisted living facilities; Home health agencies; Hospices; Intermediate care facilities; Transitional living facilities; Hospitals; Ambulatory surgical centers; Manufacturers and wholesale distributors when not sell directly to the consumer; Licensed health care practitioners who utilize home medical equipment in the course of their practice but do not sell or rent home medical equipment to their patients; and Pharmacies.

**b. Proposed Change:** The proposed language provides an exemption for certain physicians from the requirement to be licensed as a home medical equipment provider under s. 400.93.

The proposed bill adds an exemption to those listed under s. 400.93 (5) F.S.: "The following are exempt from home medical equipment provider licensure, unless they have a separate company, corporation, or division that is in the business of providing home medical equipment and services for sale or rent to consumers at their regular or temporary place of residence pursuant to the provisions of this part:

- (1) Physicians licensed under chapter 458, chapter 459, or chapter 460 for the sale or rental of electrostimulation medical equipment and electrostimulation medical equipment supplies to their patients in the course of their practice."

### Section 2: Description of Data and Sources

As of June 11 2020, there are 1,194 licensed home medical equipment providers that hold a Florida license.<sup>1</sup> Each location where home medical equipment is sold, rented, or distributed is subject to fees of \$300 and a \$400 inspection fee, both paid biannually. However, per s. 400.933(2) F.S., some locations are exempt from the inspection fee if they are inspected by an accredited organization.

### Section 3: Methodology (Include Assumptions and Attach Details)

The current number of licenses and the list of current home medical equipment providers were used to estimate future license revenue. The low estimate assumes that 5% of providers will become exempt. The middle estimate assumes that 10% will become exempt. The high estimate assumes that 15% will become exempt. The methodology assumes that the number of providers will increase each year based on population growth, excepting FY 20-21 due to the economic effects of COVID-19. There is also an additional assumption that 25% of locations will be required to pay the inspection fee each year.

### Section 4: Proposed Fiscal Impact

	High		Middle		Low	
	Cash	Recurring	Cash	Recurring	Cash	Recurring
2020-21	(\$44,551.1)	(\$44,551.1)	(\$29,700.8)	(\$29,700.8)	(\$14,850.4)	(\$14,850.4)
2021-22	(\$44,887.9)	(\$44,887.9)	(\$29,925.3)	(\$29,925.3)	(\$14,962.6)	(\$14,962.6)
2022-23	(\$45,211.6)	(\$45,211.6)	(\$30,141.0)	(\$30,141.0)	(\$15,070.5)	(\$15,070.5)
2023-24	(\$45,520.1)	(\$45,520.1)	(\$30,346.8)	(\$30,346.8)	(\$15,173.4)	(\$15,173.4)
2024-25	(\$45,814.8)	(\$45,814.8)	(\$30,543.2)	(\$30,543.2)	(\$15,271.6)	(\$15,271.6)

### List of affected Trust Funds:

Health Care Trust Fund

<sup>1</sup> ACHA, Florida Health Finder, <https://www.floridahealthfinder.gov/facilitylocator/ListFacilities.aspx>

# REVENUE ESTIMATING CONFERENCE

**Tax:** Home Medical Product Seller License Fee

**Issue:** Electrostimulation Medical Equipment License

**Bill Number(s):** CS/SB 1742

**Section 5: Consensus Estimate (Adopted: 07/07/2020):** The Conference adopted a negative insignificant impact.

	GR		Trust		Local/Other		Total	
	Cash	Recurring	Cash	Recurring	Cash	Recurring	Cash	Recurring
2020-21	(*)	(*)	(*)	(*)	great	0.0	(*)	(*)
2021-22	(*)	(*)	(*)	(*)	0.0	0.0	(*)	(*)
2022-23	(*)	(*)	(*)	(*)	0.0	0.0	(*)	(*)
2023-24	(*)	(*)	(*)	(*)	0.0	0.0	(*)	(*)
2024-25	(*)	(*)	(*)	(*)	0.0	0.0	(*)	(*)

		19-20	20-21	21-22	22-23	23-24	24-25
<b>Number of Licenses</b>		1,194	1,188.03	1,197	1,206	1,214	1,222
<b>1/2 of Licenses</b>		597	594	599	603	607	611
<b>Insp. Fee Payors</b>	50%	299	297.01	299	301	303	305
<b>Application Fee</b>	\$300.00		\$178,204.5	\$179,551.7	\$180,846.3	\$182,080.6	\$183,259.1
<b>Inspection Fee</b>	\$400.00		\$118,803.0	\$119,701.2	\$120,564.2	\$121,387.0	\$122,172.7
			\$297,007.5	\$299,252.9	\$301,410.5	\$303,467.6	\$305,431.8
<b>Low: 5% Exempt</b>			(\$14,850.4)	(\$14,962.6)	(\$15,070.5)	(\$15,173.4)	(\$15,271.6)
<b>Middle: 10% Exempt</b>			(\$29,700.8)	(\$29,925.3)	(\$30,141.0)	(\$30,346.8)	(\$30,543.2)
<b>High: 15% Exempt</b>			(\$44,551.1)	(\$44,887.9)	(\$45,211.6)	(\$45,520.1)	(\$45,814.8)

☐ Entire Bill

☒ Partial Bill:

**Sponsor(s):** Senator Brandes

**Month/Year Impact Begins:** July 1, 2020 and contingent on the passage of SB 1116 or similar legislation creating the "State Operated Institutions Inmate Welfare Trust Fund"

**Date of Analysis:** March 16, 2020

## Section 1: Narrative

### a. Current Law:

Under current law in s. 945.215, F.S., net proceeds/funds collected by the Department of Corrections from the following totaling on average \$36 million annually are deposited into the General Revenue Fund:

Canteens/Vending machines used by inmates and inmate visitors  
Hobby shops  
Contracted telephone commissions (Fees)  
Funds assigned by inmates  
General public donations  
Confiscated and liquidated contraband  
Disciplinary fines imposed against inmates  
Forfeitures of inmate earnings  
Unexpended balances in individual inmate trust fund accounts of less than \$1

### b. Proposed Change:

Effective July 1, 2020 and upon the creation of the State Operated Institutions Inmate Welfare Trust Fund (SB 1116), a maximum of \$2.5 million from the above referenced net proceeds/funds shall be deposited into the newly created trust fund annually and the remaining shall be deposited into the General Revenue Fund.

Funds in the trust fund shall be used exclusively to provide for or operate any of the following at correctional facilities operated by the department:

1. Literacy programs, vocational training programs, and educational programs.
2. Inmate chapels, faith-based programs, visiting pavilions, visiting services and programs, family services and programs, and libraries.
3. Inmate substance abuse treatment programs and transition and life skills training programs.
4. The purchase, rental, maintenance, or repair of electronic or audiovisual equipment, media, services, and programming used by inmates.
5. The purchase, rental, maintenance, or repair of recreation and wellness equipment.
6. The purchase, rental, maintenance, or repair of bicycles used by inmates traveling to and from employment in the work release program authorized under s. 945.091(1)(b).

Prior to 2003, all net proceeds/funds received were deposited into the Inmate Welfare Trust Fund and used for similar purposes. Chapter 2003-179, Laws of Florida, eliminated the trust fund and required the revenue go directly into the General Revenue Fund.

## Section 2: Description of Data and Sources

Approximately \$36 million annually is reported as Other Nonoperating General Revenue primarily from canteen/vending machine profits.

**Section 3: Methodology (Include Assumptions and Attach Details)**

Not included in the fiscal impact is the assumption of an annual 8% Service Charge to the General Revenue Fund - \$200,000

s. 945.215, (2)(b), "Deposits into the State Operated Institutions Inmate Welfare Trust Fund may not exceed a total of \$2.5 million in any fiscal year. Any proceeds or funds that would cause deposits into the trust fund to exceed this limit shall be deposited into the General Revenue Fund". Because the average monthly collection is \$3 million, the assumption is that the \$2.5 million would be deposited into the Trust Fund in July.

**Section 4: Proposed Fiscal Impact**

	High		Middle		Low	
	Cash	Recurring	Cash	Recurring	Cash	Recurring
2020-21			(\$2.5M) GR \$2.5M TF	(\$2.5M) GR \$2.5M TF		
2021-22			(\$2.5M) GR \$2.5M TF	(\$2.5M) GR \$2.5M TF		
2022-23			(\$2.5M) GR \$2.5M TF	(\$2.5M) GR \$2.5M TF		
2023-24			(\$2.5M) GR \$2.5M TF	(\$2.5M) GR \$2.5M TF		
2024-25			(\$2.5M) GR \$2.5M TF	(\$2.5M) GR \$2.5M TF		

**List of affected Trust Funds:** General Revenue, State Operated Institutions Inmate Welfare Trust Fund, General Revenue Service Charge

**Section 5: Consensus Estimate (Adopted: 07/07/2020): The Conference adopted the proposed estimate.**

	GR		Trust		Local/Other		Total	
	Cash	Recurring	Cash	Recurring	Cash	Recurring	Cash	Recurring
2020-21	(2.3)	(2.3)	2.3	2.3	0.0	0.0	0.0	0.0
2021-22	(2.3)	(2.3)	2.3	2.3	0.0	0.0	0.0	0.0
2022-23	(2.3)	(2.3)	2.3	2.3	0.0	0.0	0.0	0.0
2023-24	(2.3)	(2.3)	2.3	2.3	0.0	0.0	0.0	0.0
2024-25	(2.3)	(2.3)	2.3	2.3	0.0	0.0	0.0	0.0