

**REVENUE ESTIMATING CONFERENCE**

**Tax:** Article V Fees/Other Taxes and Fees  
**Issue:** Indigent Criminal Defense Trust Fund  
**Bill Number(s):** HB 5003

- Entire Bill**  
 **Partial Bill:** Sections 61, 62, and 63

**Sponsor(s):** Cummings  
**Month/Year Impact Begins:** 07/01/2020  
**Date of Analysis:** 07/30/2020

**Section 1: Narrative**

- a. Current Law:** Section 318.18 (19)(c), F.S., states that from the \$10 fee charged to all moving and nonmoving violations under chapters 316, 320, and 322, \$1.67 shall be deposited into the Public Defenders Revenue Trust Fund (PDRTF). Section 817.568 (12)(b), F.S., states that from the \$1,001 fee charged when a person pleads guilty or nolo contendere, or is found guilty of fraudulent use of personal information, \$250 shall be deposited into the PDRTF. Chapter 2018-10, L.O.F. directed that for fiscal year 2018-19 only, these amounts are instead to be deposited into the Indigent Criminal Defense Trust Fund (ICDTF). Chapter 2019-116, L.O.F. reenacted the changes to sections 318.18 and 817.568, F.S. notwithstanding the expiration dates per Chapter 2018-10, L.O.F., causing the fees to be deposited into the ICDTF in fiscal year 2019-20 consistent with fiscal year 2018-19.
- b. Proposed Change:** Sections 318.18 and 817.568, F.S. are reenacted notwithstanding the expiration dates per Chapter 2018-10, L.O.F., causing the fees to be deposited into the ICDTF in fiscal year 2020-21 consistent with fiscal years 2018-19 and 2019-20.

**Section 2: Description of Data and Sources**

December 2020 Article V REC  
 2019-20 DOR Monthly Batch Reports

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

The bill shifts two fees from the PDRTF to the ICDTF for FY 2020-21 only. The forecast of \$2.94M for the \$1.67 portion of the \$10 fee per section 318.18(19)(c), F.S., comes directly from the most recent Article V REC. The \$250 fee per section 817.568 (12)(b), F.S., is not implicitly forecasted in any conference. The FY 2019-20 monthly amounts through June were pulled from the monthly DOR batch reports, yielding a FY 2019-20 total of \$0.04M. When added together, the total amount of revenue being shifted from the PDRTF to the ICDTF for FY 2019-20 is \$2.98M.

**Section 4: Proposed Fiscal Impact**

**Section 61 (Article V)**

PDRTF	High		Middle		Low	
	Cash	Recurring	Cash	Recurring	Cash	Recurring
2020-21			(2.9)	0.0		
2021-22						
2022-23						
2023-24						
2024-25						

ICDTF	High		Middle		Low	
	Cash	Recurring	Cash	Recurring	Cash	Recurring
2020-21			2.9	0.0		
2021-22						
2022-23						
2023-24						
2024-25						

**REVENUE ESTIMATING CONFERENCE**

**Tax:** Article V Fees/Other Taxes and Fees  
**Issue:** Indigent Criminal Defense Trust Fund  
**Bill Number(s):** HB 5003

**Section 62 (Other Taxes/Fees)**

PDRTF	High		Middle		Low	
	Cash	Recurring	Cash	Recurring	Cash	Recurring
2020-21			(*)	0.0		
2021-22						
2022-23						
2023-24						
2024-25						

ICDTF	High		Middle		Low	
	Cash	Recurring	Cash	Recurring	Cash	Recurring
2020-21			*	0.0		
2021-22						
2022-23						
2023-24						
2024-25						

**List of affected Trust Funds:**

Public Defenders Revenue Trust Fund  
 Indigent Criminal Defense Trust Fund

**Section 5: Consensus Estimate (Adopted: 07/30/2020): The Conference adopted the middle estimate.**

	GR		Trust		Local/Other		Total	
	Cash	Recurring	Cash	Recurring	Cash	Recurring	Cash	Recurring
2019-20	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2020-21	0.0	0.0	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	0.0	0.0
2022-23	0.0	0.0	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	0.0	0.0

	A	B	C	D	E	F	G	H
1		\$250 charge per 817.568			Redirected Fees (millions)			
2			FY 201920			\$1.67 of \$10	\$250 Charge	Total
3		July	\$ 2,189.77		FY 21	\$ 2.94	\$ 0.04	\$ 2.98
4		August	\$ 2,800.31					
5		September	\$ 2,734.51					
6		October	\$ 2,138.78					
7		November	\$ 1,563.01					
8		December	\$ 2,195.25					
9		January	\$ 4,107.92					
10		February	\$ 2,260.34					
11		March	\$ 4,652.51					
12		April	\$ 4,766.80					
13		May	\$ 2,564.72					
14		June	\$ 4,701.67					
15		Total	\$ 36,675.59					
16								
17		*April, May and June estimated based on the average of July through March						

**REVENUE ESTIMATING CONFERENCE**

**Tax:** Highway Safety Fees

**Issue:** Driver License Disability Designation

**Bill Number(s):** CS CS HB 789

**Entire Bill**

**Partial Bill:**

**Sponsor(s):** Tomkow

**Month/Year Impact Begins:** 10/01/2020

**Date of Analysis:** 07/30/2020

**Section 1: Narrative**

- a. **Current Law:** Section 322.14, F.S. allows an individual to have the international symbol for deaf and hard of hearing or certain lifetime fishing, hunting or boater licenses displayed upon his or her license upon payment of a \$1 fee for original or renewal licenses or \$2 fee for replacement licenses. These fees are to be deposited into the Highway Safety Operating Trust Fund. Individuals may also elect to have the word “veteran” displayed upon his or her license if certain documents are provided, for which there is no charge.
- b. **Proposed Change:** Section 322.14, F.S. is revised to allow the capital letter “D” to be displayed upon a driver license of a person who has a development disability upon payment of a \$1 fee for original or renewal licenses or \$2 fee for replacement licenses.

**Section 2: Description of Data and Sources**

January 2020 Highway Safety REC and Conference History

Phone and email contact with HSMV staff

CDC website: [www.cdc.gov/ncbddd/disabilityandhealth/dhds/index.html](http://www.cdc.gov/ncbddd/disabilityandhealth/dhds/index.html)

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

The current forecast of driver license originals, renewals, and replacements was retrieved from the latest Highway Safety REC. Replacements was derived using the applicable replacements from the history file from FY 2018-19 and growing by the growth rate for overall replacements. According to the CDC, 12.6% of the Florida population has a developmental disability. Of this subset of the population, an assumption must be made of how many hold a driver license. The assumptions are 60% for the high, 50% for the middle, and 40% for the low. This amount would need to be discounted further for individual who would want the designation: 20% for the high, 10% for the middle, and 5% for the low. These percentages and applicable fees were applied to the current forecast for originals, renewals, and replacements, resulting in a \$0.1 positive annual recurring impact in the high scenario and a positive insignificant recurring impact in the middle and low scenarios. The first year cash impact is adjusted for the effective date.

**Section 4: Proposed Fiscal Impact**

Trust	High		Middle		Low	
	Cash	Recurring	Cash	Recurring	Cash	Recurring
2020-21	*	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:**

Highway Safety Operating Trust Fund

**Section 5: Consensus Estimate (Adopted: 07/30/2020): The Conference adopted the middle estimate.**

	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

	A	B	C	D	E	F	G	H	I	J
1	<b>CS CS HB 789</b>									
2	<b>Current Forecasted Class E DL Transactions</b>					<b>Assumptions</b>				
3		Original Class E	Renewal Class E	Replacements (Derived)	Replacement Growth Rates			% With Developmental Disabilities	% With DL	% of DL Wanting Designation
4	2018-19			1,912,353			High	12.6%	7.6%	1.5%
5	2019-20			1,893,229	-1.00%		Middle	12.6%	6.3%	0.6%
6							Low	12.6%	5.0%	0.3%
7	2020-21	918,046	2,192,189	1,874,297	-1.00%		1. CDC projects 12.6% of FL population			
8	2021-22	931,845	1,896,159	1,901,578	1.46%		<a href="http://www.cdc.gov/ncbddd/disabilityandhealth/dhds/index.html">www.cdc.gov/ncbddd/disabilityandhealth/dhds/index.html</a>			
9	2022-23	945,207	1,325,096	1,928,847	1.43%		2. % with DL, High = 60%, Middle = 50%, Low = 40%			
10	2023-24	958,081	923,946	1,955,118	1.36%		3. % Wanting Designation, High = 20%, Middle = 10%, Low = 5%			
11	2024-25	970,450	1,672,501	1,980,358	1.29%					
12										
13		<b>High</b>			<b>Middle</b>			<b>Low</b>		
14		\$1 Fee	\$2 Fee	Total	\$1 Fee	\$2 Fee	Total	\$1 Fee	\$2 Fee	Total
15	2020-21	\$ 47,027	\$ 56,679	\$ 103,706	\$ 19,594	\$ 23,616	\$ 43,211	\$ 7,838	\$ 9,446	\$ 17,284
16	2021-22	\$ 42,759	\$ 57,504	\$ 100,263	\$ 17,816	\$ 23,960	\$ 41,776	\$ 7,127	\$ 9,584	\$ 16,711
17	2022-23	\$ 34,327	\$ 58,328	\$ 92,655	\$ 14,303	\$ 24,303	\$ 38,606	\$ 5,721	\$ 9,721	\$ 15,443
18	2023-24	\$ 28,456	\$ 59,123	\$ 87,579	\$ 11,857	\$ 24,634	\$ 36,491	\$ 4,743	\$ 9,854	\$ 14,597
19	2024-25	\$ 39,961	\$ 59,886	\$ 99,847	\$ 16,651	\$ 24,953	\$ 41,603	\$ 6,660	\$ 9,981	\$ 16,641

## REVENUE ESTIMATING CONFERENCE

**Tax:** Other Taxes and Fees

**Issue:** Registration and Renewal Fees for Electric Bicycles

**Bill Number(s):** CS/CS/HB 971

**Entire Bill**

**Partial Bill:** Sections 2, 8, and 16

**Sponsor(s):** Representative Grant

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

**Date of Analysis:** July 30, 2020

### Section 1: Narrative

#### a. Current Law:

##### Section 2:

Section 316.003, F.S., defines a “bicycle” as:

Every vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device. A person under the age of 16 may not operate or ride upon a motorized bicycle.

##### Section 16:

For purposes of vehicle registration, section 320.01, F.S., provides that a “motor vehicle” does not include bicycles. However, section 320.08, F.S., imposes a \$5 flat fee for registration (or renewal of registration) and a \$2.50 motor safety education fee on mopeds and motorized bicycles.

#### b. Proposed Change:

##### Section 2:

The bill amends section 316.003, F.S., to remove the definition of “motorized bicycle” from within the definition of “bicycle” and creates a separate, three-tiered classification for the definition of “electric bicycle.” The bill defines the term to mean a bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts that meets the requirements of one of the following three classifications:

- “Class 1 electric bicycle” means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.
- “Class 2 electric bicycle” means an electric bicycle equipped with a motor that may be used exclusively to propel the electric bicycle and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.
- “Class 3 electric bicycle” means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 28 miles per hour.

##### Section 8:

The bill creates section 316.20655, F.S., to provide regulations governing the operation of electric bicycles (e-bikes). The bill also provides that an e-bike or an e-bike operator are not subject to the provisions of the law relating to the financial responsibility requirements of a motor vehicle such as insurance premiums, driver or motor vehicle licenses, vehicle registration, title certificates, or off highway vehicles.

##### Section 16:

The bill amends section 320.08, F.S., to remove the registration fee requirement for “motorized bicycles.”

### Section 2: Description of Data and Sources

Department of Highway Safety and Motor Vehicle 2020 Legislative Bill Analysis, January 27, 2020 (HB 971)

House Staff Final Analysis, June 22, 2020

Correspondence with staff from the Department of Highway Safety and Motor Vehicle

**REVENUE ESTIMATING CONFERENCE**

**Tax:** Other Taxes and Fees

**Issue:** Registration and Renewal Fees for Electric Bicycles

**Bill Number(s):** CS/CS/HB 971

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

According to staff’s final analysis, the Department of Highway Safety and Motor Vehicle (DHSMV) indicated that in Fiscal Year 2018-2019, the agency collected a total of \$14,633 for both moped and motorized bicycle registration fees. Data regarding registration fees for mopeds and motorized bicycles are collected and stored together. DHSMV estimates that 10 percent of the registration fees collected for mopeds and motorized bicycles are attributed to motorized bicycles.

Based upon historical collections, DHSMV anticipates that excluding an e-bike or an e-bike operator from the provisions of law relating to the financial responsibility requirements of a motor vehicle such as insurance premiums, driver or motor vehicle licenses, vehicle registration, etc., will have a negative, but insignificant revenue impact.

**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:**

- State Transportation Trust Fund
- Highway Safety Operating Trust Fund

**Section 5: Consensus Estimate (Adopted: 07/30/2020): The Conference adopted the proposed estimate.**

	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:** Local Taxes and Fees

**Issues:** Makes changes related to towing and immobilizing vehicles and vessels.

**Bill Number(s):** CS/CS/HB 133 (CS/CS/SB 1332 is similar) Final action by the Governor is pending.

**Entire Bill**

**Partial Bill:**

**Sponsor(s):** State Affairs Committee, Business and Professions Subcommittee and Representative McClain

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

**Date of Analysis:** July 30, 2020

### Section 1: Narrative

#### a. Current Law:

Sections 125.0103(1) and 166.043(1), F.S., authorize a county or municipality, respectively, to regulate the rates for the towing or immobilization of vehicles. A county must establish a maximum rate that may be charged for the towing or immobilization of a vehicle. If a municipality establishes a maximum rate for the towing or immobilization of a vehicle, the county's rate does not apply within that municipality.

Section 323.002, F.S., provides authorization for county and municipal governments to operate wrecker operator systems and penalties for unlawful operations outside of the system. A *wrecker operator system* is defined as a system for the towing or removal of wrecked, disabled, or abandoned vehicles, under which a county or municipality contracts with one or more wrecker operators for the towing or removal of wrecked, disabled, or abandoned vehicles from accident scenes, streets, or highways. Such a system must include a method for apportioning the towing assignments among the eligible wrecker operators through the creation of geographic zones, a rotation schedule, or a combination of such methods.

Section 713.78, F.S., governs liens for recovering, towing, or storing vehicles and vessels.

Section 715.07, F.S., governs the towing of vehicles or vessels parked on private property.

#### b. Proposed Changes:

##### Sections 1 and 3

These sections amend s. 125.0103(1) and s. 166.043(1), F.S., respectively, to authorize a county or municipality to regulate the rates for the towing or immobilization of vessels, in addition to vehicles.

##### Sections 2 and 4

These sections create s. 125.01047 and s. 166.04465, F.S., respectively, to establish rules and ordinances relating to towing services. A county or municipality is prohibited from enacting a rule or ordinance that imposes a fee or charge on an authorized wrecker operator or a towing business. A *towing business* is defined as a business providing towing services for monetary gain. However, these prohibitions do not affect a county's or municipality's authority to levy of a reasonable business tax or impose and collect a reasonable administrative fee or charge on the legal owner or other legally authorized person in control of a vehicle or vessel to cover the cost of enforcement, including parking enforcement, when the vehicle or vessel is towed from public property. This reasonable administrative fee or charge cannot exceed 25 percent of the maximum towing rate and may not be imposed on an authorized wrecker operator or towing business, but rather collected by the operator or business and remitted to the county or municipality after it is collected.

However, this new county prohibition does not apply to any towing or immobilization licensing, regulatory, or enforcement programs operated by a charter county in which at least 90 percent of the county's population resides in incorporated municipalities (i.e., Broward and Duval counties); or a charter county with at least 38 incorporated municipalities within its territorial boundaries as of January 1, 2020 (i.e., Palm Beach County); or a county as defined in s. 125.011(1), F.S. (i.e., Miami-Dade County). These charter counties may continue to operate their existing towing or immobilization licensing, regulatory, or enforcement programs and impose and collect various types of specified fees or charges. However, Miami-Dade County may not impose any new business tax, fee, or charge on a towing business or an authorized wrecker operator that was not in effect as of January 1, 2020.



## REVENUE ESTIMATING CONFERENCE

**Tax:** Local Taxes and Fees

**Issues:** Makes changes related to towing and immobilizing vehicles and vessels.

**Bill Number(s):** CS/CS/HB 133 (CS/CS/SB 1332 is similar) Final action by the Governor is pending.

### **Section 5**

This section amends s. 323.002, F.S., to prohibit a county or municipality from adopting or enforcing an ordinance or rule that imposes any charge, cost, expense, fine, fee, or penalty on an authorized wrecker operator, the registered owner or other legally authorized person in control of a vehicle or vessel, or the lienholder of a vehicle or vessel, when the vehicle or vessel is towed by authorized wrecker operator. This prohibition does not apply to a reasonable administrative fee or charge, limited to 25 percent of the maximum towing rate, to cover the cost of enforcement when the vehicle or vessel is towed from public property. An authorized wrecker operator or towing business may impose and collect the administrative fee or charge on behalf of the county or municipality and shall remit it to the local government only after it is collected.

Additionally, this prohibition does not apply to the continuing operation of towing or immobilization licensing, regulatory, or enforcement programs in Broward, Duval, Miami-Dade, and Palm Beach counties. These counties may impose a charge, cost, expense, fine, fee, or penalty on an authorized wrecker operator in connection with a violation of the towing or immobilization program requirements set forth by ordinance, resolution, or regulation.

### **Section 6**

This section amends s. 713.78, F.S., to require that a reasonable administrative fee or charge, imposed by a county or municipality, be included as part of the lien on the vehicle or vessel held by the towing operator.

### **Section 7**

This section amends s. 715.07(2), F.S., to authorize the towing or removal of a vehicle or vessel from private property without the consent of the registered owner as long as the towing company is in *substantial* compliance, rather than *strict* compliance, with the conditions and restrictions established in s. 715.07, F.S. Additionally, it revises the requirement that tow-away zone notices be placed within 10 feet from the road, as defined in s. 334.03(22), F.S., rather than 5 feet from the public right-of-way line.

### **Section 8**

Specifies an effective date of October 1, 2020.

## **Section 2: Description of Data and Sources**

In advance of the REC's Impact Conference originally scheduled for July 14<sup>th</sup>, EDR staff sent an email survey on July 9<sup>th</sup> to officials of the 25 counties and 22 municipalities that had a 2019 total population greater than 200,000 or 100,000, respectively. Subsequently, the Impact Conference was postponed to July 21<sup>st</sup>, and EDR expanded the survey to those 15 counties with a population between 50,000 and 200,000 and those 36 municipalities with a population between 50,000 and 100,000. In total, 40 counties and 58 municipalities were surveyed. The Impact Conference was later postponed until July 30<sup>th</sup>. To date, only 10 of the 98 surveyed local governments responded, as detailed below, and EDR staff received no comments from representatives of the Florida Association of Counties or Florida League of Cities.

Below are comments received from the local governments that responded to EDR's survey.

### **Counties**

1. Highlands County: We do have a system but we should not see any fiscal impact whatsoever from the proposed changes. We do not impose any fees on a wrecker company.
2. Orange County: Both our Legal Department and Code Enforcement folks say the County has no system as is described in HB 133 and has no expected financial effects from the bill's provisions. One of our folks is forwarding your request to the Sheriff's Office, so you may hear from them as well.
3. Palm Beach County: The County is exempt from this language.
4. Sumter County: The County does not operate a wrecker operator system. We believe the fiscal impact is unknown but not a loss.

**REVENUE ESTIMATING CONFERENCE**

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**Bill Number(s):** CS/CS/HB 133 (CS/CS/SB 1332 is similar) Final action by the Governor is pending.

Municipalities

1. Clearwater: Overall, I would think our position would be to oppose this bill (interestingly, many south Florida counties are exempt). Currently, our processes would appear to conform to the statute, based upon our imposition of a small administrative fee by contractual agreement. Though the bill prohibits a municipality from “enacting a rule or ordinance that imposes a fee,” we appear to be within the limits of the bill which permits “a reasonable administrative fee or charge...on the legal owner.” My fear would be that future revisions of the bill would restrict our ability to even impose the administrative costs for this process – which are utilized to reimburse the staff time associated with processing vehicle impounds and the associated requirements. It is somewhat contradictory in the sense that it comingles vehicle seizures in the House discussion, which are governed by another statute – so there are some conflicting processes. I would think the legislative intent is to curb Cities from imposing punitive Administrative fees, as are clearly outlined on page 4 of the House analysis – some of which, occur very close to us (i.e. Sarasota, Bradenton). When we structured our single tow system about 10 years ago, we were careful to try to avoid these pitfalls by only charging a nominal administrative fee so that our process would withstand legal challenge.
2. Deerfield Beach: The City only contracts with one operator, and there is no system of apportionment. The contract with sole wrecker operator is for \$100K annually. The City has not established a maximum rate for towing hence the County rate applies. No fee applies except the \$25 admin charge. Based on my understanding, the fiscal impact is none.
3. Kissimmee: The City does operate a wrecker operator system; however, we believe the legislation would have no fiscal impact.
4. Miramar: No fiscal impact. The City does not operate its own wrecker system, wrecker services for the removal of wrecked, disabled and abandoned vehicles on public roadways, right of ways or City property is contracted out to a private company and therefore there is no monetary gain by the City.
5. Palm Coast: The City does not operate a wrecker operator system.
6. Port St. Lucie: No fiscal impact. The City does not currently have a contract with one or more wrecker operators for the towing or removal of wrecked, disabled, or abandoned vehicles. A management policy was developed for police department (PD) procedures to qualify towing companies. The PD does the courtesy of offering to call the next one on rotation or the driver can call any one they choose.

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

Under the legislation, a county or municipality will be able to regulate the rates for the towing or immobilization of vessels, in addition to vehicles, which might suggest additional future revenues. However, the provisions of this legislation most likely to generate a fiscal impact are not applicable in four of Florida’s most populous counties (i.e., Broward, Duval, Miami-Dade, and Palm Beach). Based on the survey responses received by EDR staff, this legislation would appear to have little to no fiscal impact on those local governments. However, only 10 of the 98 local governments responded to EDR’s request for information, so the statewide fiscal impact could not be estimated from the data received. Therefore, EDR staff is recommending an indeterminate +/- fiscal impact to local governments.

**Section 4: Proposed Fiscal Impact (Millions \$)**

	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.

**REVENUE ESTIMATING CONFERENCE**

**Tax:** Local Taxes and Fees

**Issues:** Makes changes related to towing and immobilizing vehicles and vessels.

**Bill Number(s):** CS/CS/HB 133 (CS/CS/SB 1332 is similar) Final action by the Governor is pending.

**Section 5: Consensus Estimate (Adopted: 07/30/2020): The Conference adopted a +/- 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	+/-	+/-	+/-	+/-

Entire Bill

Partial Bill: Section 17

Sponsor(s): Perez

Month/Year Impact Begins: July 1, 2020

Date of Analysis: 5-28-2020

### Section 1: Narrative

**a. Current Law:** Health care clinics must obtain a license from the Agency for Health Care Administration to operate in this state. The biennial license fee is \$2,000. There are currently over 14 exemptions listed in the health care clinic licensure law.

Current law does not exempt federally certified community mental health center-partial hospitalization programs (42 C.F.R. part 485, subpart J), portable x-ray providers (42 C.F.R. part 486, subpart C), and rural health care clinics (43 C.F.R. part 491, subpart A).

Additionally, two exemptions in ch. 2019-116, L.O.F, for certain entities are set to expire July 1, 2020:

1. Entities that are under the common ownership or control by a mutual insurance holding company, as defined in s. 628.703, F.S., with an entity licensed or certified under chapter 624, F.S., or chapter 641, F.S., that has \$1 billion or more in total annual sales in this state.
2. Entities that are owned by an entity who is a behavioral health service provider in at least 5 states other than Florida and that, together with its affiliates, have \$90 million or more in total annual revenues associated with the provision of behavioral health care services and where one or more of the persons responsible for the operations of the entity is a health care practitioner who is licensed in this state and who is responsible for supervising the business activities of the entity and is responsible for the entity's compliance with state law for purposes of part X of chapter 400, F.S., (the Health Care Clinic Act).

**b. Proposed Change:** The bill exempts from licensure federally certified clinics and the entities described in paragraphs 1 and 2 above.

### Section 2: Description of Data and Sources

Agency for Health Care Administration, Bill Analysis for CS/HB 731.

Conversation with Senate Appropriations Subcommittee on Health and Human Services staff.

Discussion with staff from the Agency for Health Care Administration

Houses Final Bill Analysis, CS/CS/HB 731

Senate Bill 1726 Bill Analysis

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

AHCA estimates there are approximately 200 federally certified clinics eligible for exemption, creating a total reduction in revenue of \$400,000 (\$2,000 biennial license fee x 200). The estimate below assumes that half of the licensees renew each year.

AHCA believes the entities described in paragraphs 1 and 2 may not be providing service today. Should a currently licensed clinic qualify, it would be a small number, likely below 25. To reach the indeterminate threshold, there must be 25 clinics eligible for exemption. The impact below is either zero or negative insignificant.

**Section 4: Proposed Fiscal Impact**

Federally Certified Clinics

	High		Middle		Low	
	Cash	Recurring	Cash	Recurring	Cash	Recurring
2020-21			(0.2)	(0.2)		
2021-22			(0.2)	(0.2)		
2022-23			(0.2)	(0.2)		
2023-24			(0.2)	(0.2)		
2024-25			(0.2)	(0.2)		

Exempt Entities

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

**List of affected Trust Funds:**

Healthcare Trust Fund

**Section 5: Consensus Estimate (Adopted: 07/30/2020): The Conference adopted the middle for Federally Certified Clinics and the high for Exempt Entities.**

	GR		Trust		Local/Other		Total	
	Cash	Recurring	Cash	Recurring	Cash	Recurring	Cash	Recurring
2020-21	(Insignificant)	(Insignificant)	(0.2)	(0.2)	0.0	0.0	(0.2)	(0.2)
2021-22	(Insignificant)	(Insignificant)	(0.2)	(0.2)	0.0	0.0	(0.2)	(0.2)
2022-23	(Insignificant)	(Insignificant)	(0.2)	(0.2)	0.0	0.0	(0.2)	(0.2)
2023-24	(Insignificant)	(Insignificant)	(0.2)	(0.2)	0.0	0.0	(0.2)	(0.2)
2024-25	(Insignificant)	(Insignificant)	(0.2)	(0.2)	0.0	0.0	(0.2)	(0.2)

## REVENUE ESTIMATING CONFERENCE

**Tax:** Other Taxes and Fees

**Issue:** Background Screening

**Bill Number(s):** CS/CS/HB 731 er

**Entire Bill**

**Partial Bill:** Section 40

**Sponsor(s):** Perez

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

**Date of Analysis:** 6-3-2020

### Section 1: Narrative

- a. Current Law:** Each Medicaid provider, or each principal of the provider, seeking to participate in the Medicaid program must submit a complete set of fingerprints to the Agency for Health Care Administration (AHCA) for the purpose of conducting a criminal history record check. See s. 409.907(8), F.S.

Background screenings are conducted in accordance with Florida law and the cost of the criminal record check is borne by the provider. The term provider is defined to mean a person or entity that has a Medicaid provider agreement in effect with the agency and is in good standing with the agency. A "Medicaid provider agreement" or "provider agreement," means a contract between the agency and a provider for the provision of services or goods, or both, to Medicaid recipients pursuant to Medicaid.

Under Florida's health care licensing laws, a level 2 background screening must be performed on each of the following persons, who are considered employees for the purposes of conducting screenings under chapter 435: (see s. 408.809, F.S.)

- (a) The licensee, if an individual.
- (b) The administrator or a similarly titled person who is responsible for the day-to-day operation of the provider.
- (c) The financial officer or similarly titled individual who is responsible for the financial operation of the licensee or provider.
- (d) Any person who is a controlling interest.
- (e) Any person, as required by authorizing statutes, seeking employment with a licensee or provider who is expected to, or whose responsibilities may require him or her to, provide personal care or services directly to clients or have access to client funds, personal property, or living areas; and any person, as required by authorizing statutes, contracting with a licensee or provider whose responsibilities require him or her to provide personal care or personal services directly to clients, or contracting with a licensee or provider to work 20 hours a week or more who will have access to client funds, personal property, or living areas. Evidence of contractor screening may be retained by the contractor's employer or the licensee.

- b. Proposed Change:** The bill amends s. 409.907(8), F.S., to explicitly require a level 2 background screening on any person who participates or seeks to participate in the Florida Medicaid program by way of rendering services to Medicaid recipients or having direct access to Medicaid recipients or recipient living areas, or who supervises the delivery of goods or services to a Medicaid recipient.

### Section 2: Description of Data and Sources

Agency for Health Care Administration, Bill Analysis for CS/HB 731.

Discussion with Staff from AHCA

Conversation with Senate Appropriations Subcommittee on Health and Human Services staff.

Houses Final Bill Analysis, CS/CS/HB 731

Senate Bill 1726 Bill Analysis

Florida Department of Law Enforcement

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

In discussion with AHCA, these changes clarify existing law and represent current administration. However, AHCA notes that some Medicaid managed care plans are screening all staff beyond those with access to clients, which is not required under current law.

The state portion of the background screening fee is \$48 made up of a \$24 processing fee and a \$24 retention fee paid up front. The retention fee is \$6 per year for license years 2-5. There is no retention fee imposed on the first year.

The number of screenings conducted each year varies between 2,000-4,000.

Based on the information above, the following impacts are presented:

**REVENUE ESTIMATING CONFERENCE**

**Tax:** Other Taxes and Fees

**Issue:** Background Screening

**Bill Number(s):** CS/CS/HB 731 er

High: The high estimate assumes that managed care plans will react to this change and reduce the number of screenings conducted. Although the number of affected screenings is not determinable, AHCA believes the number will be small. To reach the level of negative indeterminate, it would take approximately 1,042 screenings at \$48, which is inconsistent with AHCA’s belief that the number of affected screenings is small.

Low: The low estimate assumes that the bill will not induce any plan to reduce its screenings. For example, plans that require all employees to have a background screening may do so based on internal practices of the managed care plan.

**Section 4: Proposed Fiscal Impact**

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

**List of affected Trust Funds:**

Law Enforcement Operating Trust Fund

**Section 5: Consensus Estimate (Adopted: 07/30/2020): The Conference adopted a zero/negative insignificant 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/(*)
2021-22	0/(*)	0/(*)	0/(*)	0/(*)	0.0	0.0	0/(*)	0/(*)
2022-23	0/(*)	0/(*)	0/(*)	0/(*)	0.0	0.0	0/(*)	0/(*)
2023-24	0/(*)	0/(*)	0/(*)	0/(*)	0.0	0.0	0/(*)	0/(*)
2024-25	0/(*)	0/(*)	0/(*)	0/(*)	0.0	0.0	0/(*)	0/(*)

**REVENUE ESTIMATING CONFERENCE**

**Tax:** Other Taxes and Fees

**Issue:** Multiphasic Licensure Repeal

**Bill Number(s):** CS/CS/HB 731 er

**Entire Bill**

**Partial Bill:** Sections 20, 26, 32, 34, 35, 51, 55 - 60

**Sponsor(s):** Perez

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

**Date of Analysis:** 5-27-2020

**Section 1: Narrative**

**a. Current Law:** Multiphasic testing centers must obtain a license from the Agency for Health Care Administration (AHCA). As of January 1, 2020, there were 187 licensed testing centers and each pay a biennial license fee (\$652.64) and healthcare assessment fee (\$300) totaling \$952.64.

**b. Proposed Change:** The bill repeals multiphasic testing center licensure.

**Section 2: Description of Data and Sources**

Agency for Health Care Administration, Bill Analysis for CS/HB 731.

Conversation with Senate Appropriations Subcommittee on Health and Human Services staff.

Houses Final Bill Analysis, CS/CS/HB 731

Senate Bill 1726 Bill Analysis

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

AHCA provided an estimated reduction in revenue as a result of repealing the licensure requirement for these centers. Their analysis assumes that half of the centers renew each year, which results in reduced revenue of approximately \$89,071.84 (\$952.64 x 187/2).

**Section 4: Proposed Fiscal Impact**

	High		Middle		Low	
	Cash	Recurring	Cash	Recurring	Cash	Recurring
2020-21			(0.09)	(0.09)		
2021-22			(0.09)	(0.09)		
2022-23			(0.09)	(0.09)		
2023-24			(0.09)	(0.09)		
2024-25			(0.09)	(0.09)		

**List of affected Trust Funds:**

Healthcare Trust Fund

**Section 5: Consensus Estimate (Adopted: 07/30/2020): The Conference adopted the proposed estimate.**

	GR		Trust		Local/Other		Total	
	Cash	Recurring	Cash	Recurring	Cash	Recurring	Cash	Recurring
2020-21	(Insignificant)	(Insignificant)	(0.1)	(0.1)	0.0	0.0	(0.1)	(0.1)
2021-22	(Insignificant)	(Insignificant)	(0.1)	(0.1)	0.0	0.0	(0.1)	(0.1)
2022-23	(Insignificant)	(Insignificant)	(0.1)	(0.1)	0.0	0.0	(0.1)	(0.1)
2023-24	(Insignificant)	(Insignificant)	(0.1)	(0.1)	0.0	0.0	(0.1)	(0.1)
2024-25	(Insignificant)	(Insignificant)	(0.1)	(0.1)	0.0	0.0	(0.1)	(0.1)



**REVENUE ESTIMATING CONFERENCE**

**Tax:** Other Taxes and Fees

**Issue:** Registered Chiropractic Assistant Fees

**Bill Number(s):** CS/CS/CS/HB 713er

**Entire Bill**

**Partial Bill:** section 18

**Sponsor(s):** Rodriguez, A. M.

**Month/Year Impact Begins:** 7-1-2020

**Date of Analysis:** 7-29-2020

**Section 1: Narrative**

- a. **Current Law:** A person must register with the Board of Chiropractic Medicine (board) to become a Registered Chiropractic Assistant (RCA). With the application, a person must remit a fee in the amount of \$25. Each RCA may renew their registration biennially no later than March 31<sup>st</sup> of every even numbered year. The biennial renewal fee is \$25. Applicants and RCAs renewing their registration also pay a \$5 unlicensed activity fee.
- b. **Proposed Change:** The law repeals the statute that requires registration of RCAs.

**Section 2: Description of Data and Sources**

House Final Bill Analysis, CS/CS/CS/HB 713, 07/06/2020  
 Data and discussion with staff at the Department of Health  
 2020 Legislative Bill Analysis, Florida Department of Health, CS/HB 713, 11/19/2019  
 Florida Department of Health, Division of Medical Quality Assurance Annual Reports

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

Department of Health staff provided the number of initial applications and renewals for RCAs between FY 15-16 and FY 19-20. Appended to that data was FY 13-14 and FY 14-15 from the Medical Quality Assurance Annual Report to capture another point for the number of renewals. Each registrant is required to renew no later than March 31<sup>st</sup> of every even numbered year.

The number of initial registrations from FY 13-14 to FY 19-20 decreased at a rate of approximately 1.26 percent per year. This rate was used to forecast FY 20-21 through FY 24-25.

The number of biennial renewals from FY 13-14 to FY 19-20 increased by approximately 6.72 percent per year, or 13.44 percent from one renewal period to the next. You can see in the data table and chart that the increase from FY 17-18 to FY 19-20 is significantly greater than the increases experienced from any prior renewal period and without more data to confirm sustained growth at such a rate, this analysis uses 5 percent per year, or 10 percent from one renewal period to the next.

To determine the revenue for each fiscal year, the number of initial and renewal registrations are summed and multiplied by \$30 (\$25 fee plus \$5 ULA).

**Section 4: Proposed Fiscal Impact**

	High		Middle		Low	
	Cash	Recurring	Cash	Recurring	Cash	Recurring
2020-21			(36,376)	(36,376)		
2021-22			(104,657)	(104,657)		
2022-23			(35,466)	(35,466)		
2023-24			(110,632)	(110,632)		
2024-25			(34,578)	(34,578)		

**List of affected Trust Funds:**  
 Medical Quality Assurance TF

**REVENUE ESTIMATING CONFERENCE**

**Tax:** Other Taxes and Fees

**Issue:** Registered Chiropractic Assistant Fees

**Bill Number(s):** CS/CS/CS/HB 713er

**Section 5: Consensus Estimate (Adopted: 07/30/2020):** The Conference adopted the proposed estimate for cash and averaged the last two years for the recurring impact.

	GR		Trust		Local/Other		Total	
	Cash	Recurring	Cash	Recurring	Cash	Recurring	Cash	Recurring
2020-21	(Insignificant)	(Insignificant)	(Insignificant)	(0.1)	0.0	0.0	(Insignificant)	(0.1)
2021-22	(Insignificant)	(Insignificant)	(0.1)	(0.1)	0.0	0.0	(0.1)	(0.1)
2022-23	(Insignificant)	(Insignificant)	(Insignificant)	(0.1)	0.0	0.0	(Insignificant)	(0.1)
2023-24	(Insignificant)	(Insignificant)	(0.1)	(0.1)	0.0	0.0	(0.1)	(0.1)
2024-25	(Insignificant)	(Insignificant)	(Insignificant)	(0.1)	0.0	0.0	(Insignificant)	(0.1)

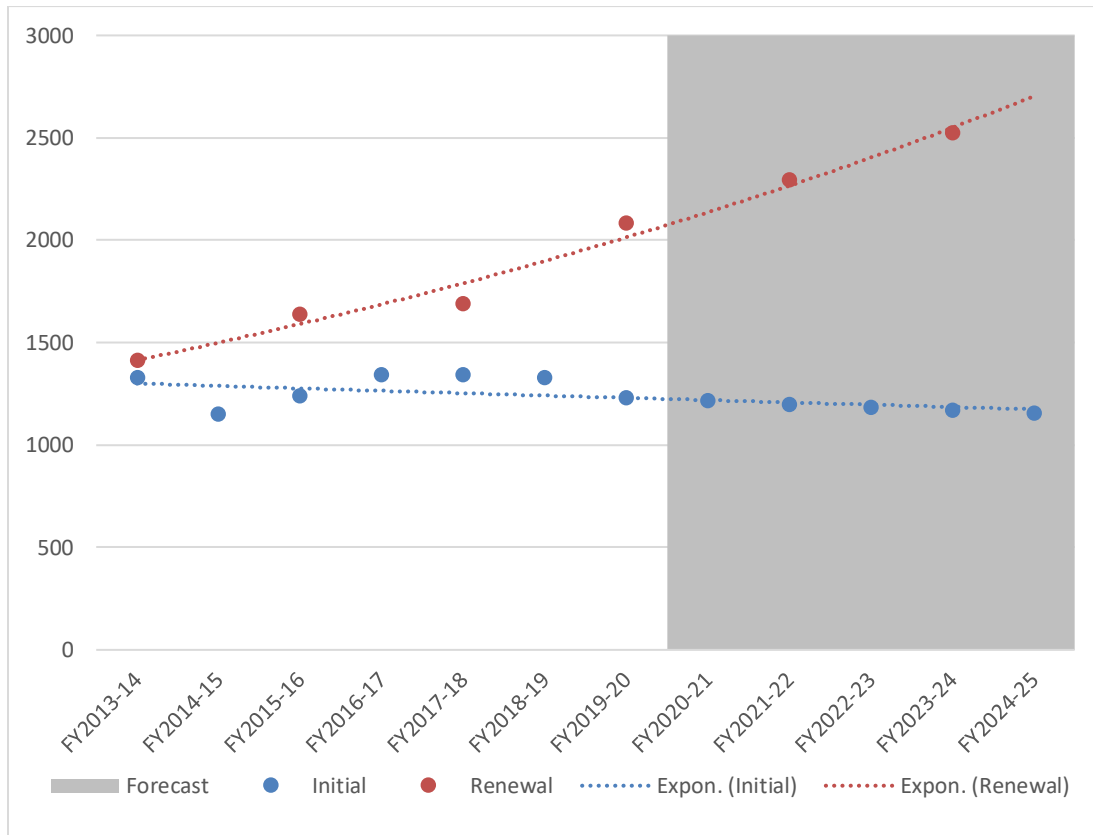
REVENUE ESTIMATING CONFERENCE

Tax: Other Taxes and Fees

Issue: Registered Chiropractic Assistant Fees

Bill Number(s): CS/CS/CS/HB 713er

Year	Initial	Renewal	Fee	ULA	Total Revenue
FY2024-25	1153		25	5	34,578
FY2023-24	1167	2520	25	5	110,632
FY2022-23	1182		25	5	35,466
FY2021-22	1197	2291	25	5	104,657
FY2020-21	1213		25	5	36,376
FY2019-20	1228	2083	25	5	99,330
FY2018-19	1327		25	5	39,810
FY2017-18	1342	1688	25	5	90,900
FY2016-17	1340		25	5	40,200
FY2015-16	1238	1636	25	5	86,220
FY2014-15	1147		25	5	34,410
FY2013-14	1325	1410	25	5	82,050
<b>CAGR</b>	-1.26%	6.72%			
<b>Using</b>	-1.26%	5.00%			



**REVENUE ESTIMATING CONFERENCE**

**Tax:** Tobacco Tax and Surcharge and Sales and Use Tax

**Issue:** Minimum Legal Purchase Age

**Bill Number(s):** CS/CS/CS/SB810

**Entire Bill**

**Partial Bill:**

**Sponsor(s):** Senator Simmons

**Month/Year Impact Begins:**

**Date of Analysis:**

**Section 1: Narrative**

- a. Current Law:** Allows the sale, distribution and delivery of tobacco products to adults which is defined as persons the age of 18 or over. Restricts persons under the age of 18 from smoking in, on or within 1,000 feet of school properties during certain hours. Current law prohibits gifting sample tobacco products or providing tobacco products in other ways to persons under the age of 18 and establishes that it is unlawful for persons to misrepresent their ages or military standings to gain access to tobacco products. The unlawful sale and possession of tobacco products to any person under the age of 18 includes nicotine products and nicotine dispensing devices as well. Current law also covers punitive action toward persons who supply minors or minors in possession of tobacco products.
- b. Proposed Change:** The bill changes the minimum age from 18 to 21 to buy tobacco and vaping products. This bill strikes the word “adult” and instead references 21 years of age and older. The bill bans all smoking on elementary, middle or secondary school properties and adds penalties for people under the age of 18. The bill defines “liquid nicotine product”, “vapor generating electronic device” and “nicotine product” and all exceptions to the under 21 rule have been stricken. Permit applicants selling certain types of nicotine may only receive a limited retail tobacco products dealer permit. Sales of vapor-generating electronic devices and liquid nicotine products must undergo an age verification process and flavored liquid nicotine products can no longer be sold unless approved by the FDA. Updates to signage are also listed in this bill.

**Section 2: Description of Data and Sources**

Bureau of Economic and Business Research (BEBR): Unpublished Data, *Florida Population by Age*, July 2018  
 Centers for Disease Control and Prevention (CDC): 2017 State Tobacco Activities Tracking, Florida  
 Institute of Medicine of the National Academics: *Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products*, March 2015  
 Office of Economic and Demographic Research (EDR): Tobacco Tax and Surcharge Conference, December 2019  
 United States Census Bureau: *American Community Survey*, PUMS Data, 2017  
 U.S. Food and Drug Administration (FDA): *National Youth Tobacco Survey*, 2018  
 HB7119 Methodology – Adopted by the REC 04/12/2019  
 Citizens for Tobacco Rights on behalf of Phillip Morris: <https://tobaccorights.com/issue/excise-taxes/> Excise Taxes, 2019  
 Fair Reporters: <http://fairreporters.net/health/prices-of-cigarettes-by-state/> Prices of Cigarettes by State, March 2019  
 IBISWorld: *Tobacconists in the US, Products and Services Segmentation and Major Market Segmentation*, March 2019

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

The US Food and Drug Administration raised the minimum age to buy tobacco products like cigarettes, electronic cigarettes, and vaping products that contain nicotine from 18 to 21 in December 2019. During the 2019 session, the REC estimated a recurring -\$3.9 million impact from raising the minimum legal age from 18-21. This bill’s impact is zero as the federal law has already been put in place. Using the methodology of the adopted estimate from the 2019, the updated cash estimate of the impact to tobacco tax and surcharge is the following:

<b>Tobacco Tax</b>	<b>FY 2020-21</b>	<b>FY 2021-22</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>
Cigarette Tax (Net)	-\$0.2	-\$0.3	-\$0.4	-\$0.5	-\$0.5
Cigarette Surcharge	-\$0.7	-\$1.0	-\$1.3	-\$1.5	-\$1.5
OTP Total Revenue	-\$0.6	-\$1.0	-\$1.3	-\$1.9	-\$1.9
<b>Cash Total</b>	<b>-\$1.6</b>	<b>-\$2.3</b>	<b>-\$3.1</b>	<b>-\$3.9</b>	<b>-\$3.9</b>

The cash impact to **sales tax** would be:

Fiscal Year 2020-21      \$(0.6)  
 Fiscal Year 2021-22      \$(1.0)

**REVENUE ESTIMATING CONFERENCE**

**Tax:** Tobacco Tax and Surcharge and Sales and Use Tax

**Issue:** Minimum Legal Purchase Age

**Bill Number(s):** CS/CS/CS/SB810

Fiscal Year 2022-23        \$(1.3)

Fiscal Year 2023-24        \$(1.3)

Fiscal Year 2024-25        \$(1.5)

**Section 4: Proposed Fiscal Impact**

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

**List of affected Trust Funds:** Sales and Use Tax, Tobacco Tax and Surcharge

**Section 5: Consensus Estimate (Adopted: 07/30/2020): The Conference adopted zero impact for the raising of the minimum legal age of purchase.**

Tobacco Tax and Surcharge: Raising MLA of Purchase to 21

	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	0.0	0.0
2021-22	0.0	0.0	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	0.0	0.0
2023-24	0.0	0.0	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	0.0	0.0

**Section 5: Consensus Estimate (Adopted: 07/30/2020): The Conference adopted a negative indeterminate impact for the sales tax loss due to the banned sales of flavored nicotine products. There may be additional affects both direct and indirect on other tax sources that cannot be quantified at this time. Among the difficulties with developing a point estimate, some dollars previously spent on the banned products may be substituted to other taxable products of equal or greater tax rates. However, at a minimum, the conference expects that there will, on net, be a negative indeterminate loss to sales tax.**

Sales Tax Loss Due to Banned Sales:

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

## Tobacco Use by Age

Source: CDC - 2017 State Tobacco Activities Tracking - Florida

Cigarettes							
		Adult Users	Pop. (Apr -2017)	Alachua	Military	Total Users	% of Total
<b>CDC Data</b>	<b>18-24</b>	<b>11.40%</b>					
Assumption	18-20	11.40%	717,363	-1.26%	-1.45%	79,562	2.9%
Assumption	21-24	11.40%	1,010,126			115,154	4.2%
CDC Data	25-44	20.10%	5,013,881			1,007,790	37.2%
CDC Data	45-64	18.30%	5,470,271			1,001,060	36.9%
CDC Data	65 and older	10.40%	4,202,432			437,053	16.1%
<i>Youth</i>							
	Middle School (12-13)	2.50%	679,439	-1.26%		16,772	0.6%
	High School (14-17)	5.70%	928,268	-1.26%	-0.02%	52,234	1.9%

e-Cigarettes							
		Adult Users	Pop. (Apr -2017)	Alachua	Military	Total Users	
<b>CDC Data</b>	<b>18-24</b>	<b>8.80%</b>					
Assumption	18-20	8.80%	717,363	-1.26%	-1.45%	61,417	7.0%
Assumption	21-24	8.80%	1,010,126			88,891	10.2%
CDC Data	25-44	5.60%	5,013,881			280,777	32.2%
CDC Data	45-64	4.10%	5,470,271			224,281	25.7%
CDC Data	65 and older	1.40%	4,202,432			58,834	6.7%
<i>Youth</i>							
	Middle School (12-13)	5.60%	679,439	-1.26%		37,569	4.3%
	High School (14-17)	13.20%	928,268	-1.26%	-0.02%	120,963	13.9%

Smokeless Tobacco							
		Adult Users	Pop. (Apr -2017)	Alachua	Military	Total Users	
<b>CDC Data</b>	<b>18-24</b>	<b>2.50%</b>					
Assumption	18-20	2.50%	717,363	-1.26%	-1.45%	17,448	3.3%
Assumption	21-24	2.50%	1,010,126			25,253	4.7%
CDC Data	25-44	3.00%	5,013,881			150,416	28.2%
CDC Data	45-64	3.50%	5,470,271			191,459	35.9%
CDC Data	65 and older	1.60%	4,202,432			67,239	12.6%
<i>Youth</i>							
	Middle School (12-13)	No data	679,439	-1.26%		16,772	3.1%
	High School (14-17)	7.10%	928,268	-1.26%	-0.02%	65,063	12.2%

CIGARS							
		Adult Users	Pop. (Apr -2017)	Alachua	Military	Total Users	
<b>CDC Data</b>	<b>18-24</b>	<b>2.50%</b>					
Assumption	18-20	2.50%	717,363	-1.26%	0.00%	17,708	3.3%
Assumption	21-24	2.50%	1,010,126			25,253	4.7%
CDC Data	25-44	3.00%	5,013,881			150,416	28.2%
CDC Data	45-64	3.50%	5,470,271			191,459	35.9%
CDC Data	65 and older	1.60%	4,202,432			67,239	12.6%
<i>Youth</i>							
	Middle School (12-13)	No data	679,439	-1.26%		10,734	2.0%
	High School (14-17)	7.10%	928,268	-1.26%	0.00%	65,077	12.2%

**Consumption**

*2018 National  
Youth Tobacco  
Survey*

	Avg. # of Days Cigs Smoked last 30 days	Average Number of Cigs Per Day	Chewing Tobacco, Snuff, or Dip - days used last 30 days	Hookah or Waterpipe - days used last 30 days	Cigars - days used last 30 days	E-Cigarettes - days used last 30 days
12 years old	5.4	2.5	5.2	4.0	5.0	5.9
13 years old	7.2	3.6	7.1	10.4	6.8	6.4
14 years old	8.3	3.9	9.4	8.8	6.3	8.5
15 years old	8.1	3.9	12.1	7.7	7.6	9.6
16 years old	11.6	4.8	13.3	10.1	8.4	11.5
17 years old	10.4	3.8	14.0	8.9	8.3	12.3
18 years old	11.1	4.3	15.5	9.5	8.4	15.0
19 years old	16.9	9.3	20.0	18.0	13.8	18.8

*Note - This is a middle school and high school survey.*

	Cigarettes per Month	Chewing Tobacco - days used last 30 days	Hookah or Waterpipe - days used last 30 days	Cigars - days used last 30 days	E-Cigarettes - days used last 30 days
Middle School (12-13)	19.81	6.14	7.18	5.88	6.16
High School (14-17)	39.71	12.21	8.88	7.65	10.48
18-20	102.02	17.78	13.75	11.10	16.91

**Reduction for Consumption Habits**

	Other Tobacco					
	Cigarettes	Chewing Tobacco	Hookah or Waterpipe	Other Tobacco Combined	Cigars	E-Cigarettes
Middle School (12-13)	19.4%	34.5%	52.2%	42.3%	53.0%	36.4%
High School (14-17)	38.9%	68.7%	64.6%	66.9%	68.9%	62.0%
18-20	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

**Step up to 12% Reduction**

	Year 1	Year 2	Year 3	Year 4	Year 5
Middle School (12-13)	6.0%	8.0%	10.0%	12.0%	12.0%
High School (14-17)	4.0%	6.0%	8.0%	12.0%	12.0%
18-20	2.0%	3.0%	4.0%	4.0%	4.0%

**Population of Users**

	Percent of Total Smokers - Cigarettes	Percent of Total - Other Tobacco Users	Percent of Total - Cigars	Percent of Total - E-Cigarettes
Middle School (12-13)	0.6%	3.1%	2.0%	4.3%
High School (14-17)	1.9%	12.2%	12.2%	13.9%
18-20	2.9%	3.3%	3.3%	7.0%

**Sales Tax Impact**

<b>Cigarettes</b>	<b>Forecasted Packs (m) (12/19 REC)</b>	<b>Avg. Price per Pack - 18% Markup (before sales tax)</b>	<b>Total Revenue (m)</b>	<b>Age bracket</b>	<b>% of Total Smokers</b>	<b>Consumption Habits</b>	<b>Stepped up reduction (to 12%)</b>	<b>Reduced Revenue</b>	<b>6% Sales Tax</b>	<b>Total Sales Tax</b>
<b>Fiscal Year 2020-21</b>	711.6	\$ 6.30	\$ 4,483.1	Middle School	0.60%	19.4%	6%	\$ 0.3	\$ 0.0	\$ (0.3)
				High School	1.90%	38.9%	4%	\$ 1.3	\$ 0.1	
				18-20	2.90%	100.0%	2%	\$ 2.6	\$ 0.2	
<b>Fiscal Year 2021-22</b>	696.5	\$ 6.30	\$ 4,388.0	Middle School	0.60%	19.4%	8%	\$ 0.4	\$ 0.0	\$ (0.4)
				High School	1.90%	38.9%	6%	\$ 1.9	\$ 0.1	
				18-20	2.90%	100.0%	3%	\$ 3.8	\$ 0.2	
<b>Fiscal Year 2022-23</b>	684.3	\$ 6.30	\$ 4,311.1	Middle School	0.60%	19.4%	10%	\$ 0.5	\$ 0.0	\$ (0.5)
				High School	1.90%	38.9%	8%	\$ 2.5	\$ 0.2	
				18-20	2.90%	100.0%	4%	\$ 5.0	\$ 0.3	
<b>Fiscal Year 2023-24</b>	672.3	\$ 6.30	\$ 4,235.5	Middle School	0.60%	19.4%	12%	\$ 0.6	\$ 0.0	\$ (0.5)
				High School	1.90%	38.9%	8%	\$ 2.5	\$ 0.2	
				18-20	2.90%	100.0%	4%	\$ 4.9	\$ 0.3	
<b>Fiscal Year 2024-25</b>	660.6	\$ 6.30	\$ 4,161.8	Middle School	0.60%	19.4%	12%	\$ 0.6	\$ 0.0	\$ (0.5)
				High School	1.90%	38.9%	10%	\$ 3.1	\$ 0.2	
				18-20	2.90%	100.0%	4%	\$ 4.8	\$ 0.3	

	<b>% of Tobacconist Industry (IBISWorld)</b>	<b>Calculated Total Industry</b>	<b>FY 2020-21</b>	<b>FY 2021-22</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>	
<b>CIGARETTES</b>	84.20%	\$ 5,324.3	\$ 4,483.1	\$ 4,388.0	\$ 4,311.1	\$ 4,235.5	\$ 4,161.8	Based on forecasted packs
<b>OTP</b>	8.10%	\$ 5,324.3	\$ 431.3	\$ 442.1	\$ 453.1	\$ 464.4	\$ 476.0	
<b>CIGARS</b>	4.10%	\$ 5,324.3	\$ 218.3	\$ 223.8	\$ 229.3	\$ 235.1	\$ 241.0	<b>Grown by OTP growth</b>
<b>NON-TOBACCO PRODUCTS (includes accessories)</b>	3.60%	\$ 5,324.3	\$ 191.7	\$ 196.5	\$ 201.4	\$ 206.4	\$ 211.6	



**Sales Tax Impact**

<b>Other Tobacco Products</b>	<b>Total Revenue (m)</b>	<b>Age bracket</b>	<b>% of Total Users</b>	<b>Consumption Habits</b>	<b>Stepped up reduction (to 12%</b>	<b>Reduced Revenue</b>	<b>6% Sales Tax</b>	<b>Total Sales Tax</b>
<b>Fiscal Year 2020-21</b>	\$ 431.3	Middle School	3.10%	42.30%	6%	\$ 0.3	\$ 0.020	\$ (0.1)
		High School	12.20%	66.90%	4%	\$ 1.4	\$ 0.084	
		18-20	3.30%	100%	2%	\$ 0.3	\$ 0.017	
<b>Fiscal Year 2021-22</b>	\$ 442.1	Middle School	3.10%	42.30%	8%	\$ 0.5	\$ 0.028	\$ (0.2)
		High School	12.20%	66.90%	6%	\$ 2.2	\$ 0.130	
		18-20	3.30%	100%	3%	\$ 0.4	\$ 0.026	
<b>Fiscal Year 2022-23</b>	\$ 453.1	Middle School	3.10%	42.30%	10%	\$ 0.6	\$ 0.036	\$ (0.2)
		High School	12.20%	66.90%	8%	\$ 3.0	\$ 0.178	
		18-20	3.30%	100%	4%	\$ 0.6	\$ 0.036	
<b>Fiscal Year 2023-24</b>	\$ 464.4	Middle School	3.10%	42.30%	12%	\$ 0.7	\$ 0.044	\$ (0.3)
		High School	12.20%	66.90%	8%	\$ 3.0	\$ 0.182	
		18-20	3.30%	100%	4%	\$ 0.6	\$ 0.037	
<b>Fiscal Year 2024-25</b>	\$ 476.0	Middle School	3.10%	42.30%	12%	\$ 0.7	\$ 0.045	\$ (0.3)
		High School	12.20%	66.90%	10%	\$ 3.9	\$ 0.233	
		18-20	3.30%	100%	4%	\$ 0.6	\$ 0.038	

<b>Cigars</b>	<b>Total Revenue (m)</b>	<b>Age bracket</b>	<b>% of Total Users</b>	<b>Consumption Habits</b>	<b>Stepped up reduction (to 12%</b>	<b>Reduced Revenue</b>	<b>6% Sales Tax</b>	<b>Total Sales Tax</b>
<b>Fiscal Year 2020-21</b>	\$ 218.3	Middle School	2.00%	52.99%	6%	\$ 0.3	\$ 0.016	\$ (0.121)
		High School	12.20%	68.87%	4%	\$ 1.4	\$ 0.087	
		18-20	3.30%	100%	2%	\$ 0.3	\$ 0.017	
<b>Fiscal Year 2021-22</b>	\$ 223.8	Middle School	2.00%	52.99%	8%	\$ 0.4	\$ 0.022	\$ (0.182)
		High School	12.20%	68.87%	6%	\$ 2.2	\$ 0.134	
		18-20	3.30%	100%	3%	\$ 0.4	\$ 0.026	
<b>Fiscal Year 2022-23</b>	\$ 229.3	Middle School	2.00%	52.99%	10%	\$ 0.5	\$ 0.029	\$ (0.247)
		High School	12.20%	68.87%	8%	\$ 3.0	\$ 0.183	
		18-20	3.30%	100%	4%	\$ 0.6	\$ 0.036	
<b>Fiscal Year 2023-24</b>	\$ 235.1	Middle School	2.00%	52.99%	12%	\$ 0.6	\$ 0.035	\$ (0.260)
		High School	12.20%	68.87%	8%	\$ 3.1	\$ 0.187	
		18-20	3.30%	100%	4%	\$ 0.6	\$ 0.037	
<b>Fiscal Year 2024-25</b>	\$ 241.0	Middle School	2.00%	52.99%	12%	\$ 0.6	\$ 0.036	\$ (0.314)
		High School	12.20%	68.87%	10%	\$ 4.0	\$ 0.240	
		18-20	3.30%	100%	4%	\$ 0.6	\$ 0.038	

**Sales Tax Impact**

<b>E-Cigarettes (Non-Tobacco and Accessories)</b>	<b>Total Revenue (m)</b>	<b>Age bracket</b>	<b>% of Total Users</b>	<b>Consumption Habits</b>	<b>Stepped up reduction (to 12%)</b>	<b>Reduced Revenue</b>	<b>6% Sales Tax</b>	<b>Total Sales Tax</b>
<b>Fiscal Year 2020-21</b>	\$ 191.7	Middle School	4.30%	36.42%	6%	\$ 0.4	\$ 0.024	\$ (0.150)
		High School	13.90%	61.97%	4%	\$ 1.5	\$ 0.089	
		18-20	7.00%	100%	2%	\$ 0.6	\$ 0.036	
<b>Fiscal Year 2021-22</b>	\$ 196.5	Middle School	4.30%	36.42%	8%	\$ 0.6	\$ 0.033	\$ (0.226)
		High School	13.90%	61.97%	6%	\$ 2.3	\$ 0.137	
		18-20	7.00%	100%	3%	\$ 0.9	\$ 0.056	
<b>Fiscal Year 2022-23</b>	\$ 201.4	Middle School	4.30%	36.42%	10%	\$ 0.7	\$ 0.043	\$ (0.306)
		High School	13.90%	61.97%	8%	\$ 3.1	\$ 0.187	
		18-20	7.00%	100%	4%	\$ 1.3	\$ 0.076	
<b>Fiscal Year 2023-24</b>	\$ 206.4	Middle School	4.30%	36.42%	12%	\$ 0.9	\$ 0.052	\$ (0.322)
		High School	13.90%	61.97%	8%	\$ 3.2	\$ 0.192	
		18-20	7.00%	100%	4%	\$ 1.3	\$ 0.078	
<b>Fiscal Year 2024-25</b>	\$ 211.6	Middle School	4.30%	36.42%	12%	\$ 0.9	\$ 0.054	\$ (0.380)
		High School	13.90%	61.97%	10%	\$ 4.1	\$ 0.246	
		18-20	7.00%	100%	4%	\$ 1.3	\$ 0.080	

**Total Sales Tax  
Impact**

<b>Fiscal Year 2020-21</b>	<b>\$ (0.6)</b>
<b>Fiscal Year 2021-22</b>	<b>\$ (1.0)</b>
<b>Fiscal Year 2022-23</b>	<b>\$ (1.3)</b>
<b>Fiscal Year 2023-24</b>	<b>\$ (1.3)</b>
<b>Fiscal Year 2024-25</b>	<b>\$ (1.5)</b>

Tobacco Tax and Surcharge Impact

**Reduction in Middle School, High School and 18-20 Tobacco Use as a Result of Raising MLA from 18 to 21**

	<b>Percent of Total Smokers - Cigarettes</b>	<b>Percent of Total - Other Tobacco Users</b>	<b>Consumption Reduction - Cigarettes</b>	<b>Consumption Reduction - Other Tobacco</b>
Middle School (12-13)	0.6%	3.1%	19.4%	42.3%
High School (14-17)	1.9%	12.2%	38.9%	66.9%
18-20	2.9%	3.3%	100.0%	100.0%

<b>Step up to 12% Reduction (assumptions)</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Middle School (12-13)	6.0%	8.0%	10.0%	12.0%	12.0%
High School (14-17)	4.0%	6.0%	8.0%	12.0%	12.0%
18-20	2.0%	3.0%	4.0%	4.0%	4.0%

<b>Collections (REC 12/19)</b>	<b>FY 2020-21</b>	<b>FY 2021-22</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>
Cigarette Tax (Net)	237.5	232.5	228.4	224.4	220.5
Cigarette Surcharge	710.7	695.6	683.4	671.4	659.7
OTP Total Revenue	137.7	141.2	144.7	148.3	152.0

<b>Reduction in Collections</b>	<b>FY 2020-21</b>	<b>FY 2021-22</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>
Cigarette Tax (Net)	-\$0.2	-\$0.3	-\$0.4	-\$0.5	-\$0.5
Cigarette Surcharge	-\$0.7	-\$1.0	-\$1.3	-\$1.5	-\$1.5
OTP Total Revenue	-\$0.6	-\$1.0	-\$1.3	-\$1.9	-\$1.9
<b>CASH Total</b>	<b>-\$1.6</b>	<b>-\$2.3</b>	<b>-\$3.1</b>	<b>-\$3.9</b>	<b>-\$3.9</b>