

Tab 2	SB 1592 by Grimsley; (Similar to H 00803) Sales and Use Tax Exemptions for Electric Generators				
294374—A	S	L	WD	AG, Farmer	Before L.20: 01/25 02:11 PM

Tab 3	SPB 7016 by AG; OGSR/School Food and Nutrition Service Program				
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

AGRICULTURE
Senator Grimsley, Chair
Senator Rader, Vice Chair

MEETING DATE: Thursday, January 25, 2018
TIME: 1:30—3:30 p.m.
PLACE: 301 Senate Office Building

MEMBERS: Senator Grimsley, Chair; Senator Rader, Vice Chair; Senators Baxley, Farmer, Hukill, Mayfield, Powell, Rouson, and Steube

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Presentation by the Future Farmers of America		Not Considered
2	SB 1592 Grimsley (Similar H 803, Compare S 1246)	Sales and Use Tax Exemptions for Electric Generators; Revising the sales tax exemption for certain items in agricultural use to include generators used on all farms, rather than only on poultry farms; providing a sales tax exemption for the purchase of certain emergency electric energy equipment used at nursing homes and assisted living facilities; specifying a limit to the exemption, etc. AG 01/25/2018 Favorable AFT AP	Favorable Yeas 6 Nays 1
Consideration of proposed bill:			
3	SPB 7016	OGSR/School Food and Nutrition Service Program; Amending provisions relating to an exemption from public record requirements for personal identifying information of an applicant for or participant in a school food and nutrition service program; removing the scheduled repeal of the exemption, etc.	Submitted and Reported Favorably as Committee Bill Yeas 7 Nays 0
Other Related Meeting Documents			

Biographies

Kyle Garner was born on January 14, 1999 in Lakeland, Florida. Kyle was raised in Groveland, Florida and is a 5th generation Florida native, all of whom have been involved in Florida Agriculture. Kyle is a 2017 graduate of South Lake High School in Groveland, Florida where he earned Summa Cum Laude academic honors. Kyle was elected as the 2017-18 State President of the Florida FFA Association where he serves nearly 18,000 FFA members across the state as an advocate for Florida FFA and Florida Agriculture. Kyle was accepted into the University of Florida, where he will attend upon the conclusion of his year of service to the Florida FFA Association and plans to major in Agriculture Education and Communication with a specialization in Communication and Leadership Development.

Kaylin Kleckner was born in Lewisburg, Pennsylvania and raised in Ocala, Florida. Kaylin was an FFA member for seven years while attending Liberty Middle School and West Port High School. Inside the classroom, Kaylin pursued her passions for learning and public speaking, while outside of the classroom she participated in livestock production and worked on a local cattle operation. After finishing her year of service as the Florida FFA State Secretary, Kaylin will be attending the University of Florida to pursue a degree in molecular biology and a career in scientific research.



FLORIDA FFA ASSOCIATION

The Next Generation of Agriculturalists

70%

By 2050, agricultural production will need to increase by 70% in order to feed 9 billion people. With less land, water, and resources.

The future of agriculture is much more than farming. It's about the next generation of agriculturalists and a new age of discovery.





We are addressing a very key issue: the growing need for young, talented people in a variety of fields to consider a career in agriculture.



FFA is only part of a comprehensive strategy to build a heroic workforce and reconnect people with agriculture.

1928

33 farm boys started the organization in 1928, and now over 610,000 members are developing their potential for premier leadership, personal growth, and career success through agricultural education and FFA.

FFA is the most recognized component of agricultural education, but Supervised Agricultural Experiences and the classroom create a complete experience for our students.





Students can choose from eight different career pathways, preparing them for the workforce and college.



Supervised Agricultural Experiences allow students to gain real-world experience and apply their skills and knowledge from FFA and the classroom.



Agricultural education proudly provides students with one of the most complete educational experiences available.

We've got some work to do before 2050, but we're up for the challenge. Our growing pains are a positive sign:

- Record membership
- Record participation



As we continue to grow and close the gap, we face some challenges we hope to overcome:

- FFA has reached its capacity in regards to the services and opportunities we provide our members
 - Recruiting and retaining qualified and certified teachers
 - Classroom size and funding
- 



Together, we'll face these issues in an effort to tackle a global challenge.



THE FFA MISSION

FFA makes a positive difference in the lives of students by developing their potential for premier leadership, personal growth and career success through agricultural education.

THE AGRICULTURAL EDUCATION MISSION

Agricultural education prepares students for successful careers and a lifetime of informed choices in the global agriculture, food, fiber and natural resource systems.

The Florida FFA Association is a resource and support organization that does not select, control, supervise or approve local chapter or individual member activities except as expressly provided for in the Florida FFA Constitution and Bylaws.

The Florida FFA Association affirms its belief in the value of all human beings and seeks diversity in its membership, leadership and staff as an equal opportunity employer.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Agriculture

BILL: SB 1592

INTRODUCER: Senator Grimsley

SUBJECT: Sales and Use Tax Exemptions for Electric Generators

DATE: January 18, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Becker	Becker	AG	Favorable
2.			AFT	
3.			AP	

I. Summary:

SB 1592 amends s. 212.08, F.S., to expand the sales and use tax exemption to generators used on all farms. It also adds an exemption for generators at nursing homes and assisted living facilities, which is limited to \$30,000 for the purchase of equipment at any one facility.

The Revenue Estimating Conference (REC) has not determined the impact of the bill; however, based on the fiscal impact of a similar House bill, staff estimates that SB 1592 will reduce General Revenue receipts by \$9.9 million in Fiscal Year 2018-2019, with a recurring \$9.9 million reduction. Staff estimates that SB 1592 will reduce local government revenues by \$12.5 million in Fiscal Year 2018-2019, with a recurring \$12.5 million reduction.

The bill has an effective date of July 1, 2018.

II. Present Situation:

Florida levies a six percent state sales and use tax on the sale or rental of most tangible personal property, admissions, rentals of transient accommodations, rentals of commercial real estate, and a limited number of services.¹

Chapter 212, F.S., contains statutory provisions authorizing the levy and collection of Florida's sales and use tax, as well as the exemptions and credits applicable to certain items or uses under specified circumstances.

¹ See ch. 212, F.S.

In addition to the state sales and use tax, s. 212.055, F.S., authorizes counties to impose nine local discretionary sales surtaxes.² A surtax applies to all transactions occurring in the county that are subject to the state tax imposed on sales, use, services, rental, admissions, and other transactions by ch. 212, F.S., and on communications services as defined in ch. 202, F.S.³

Sales tax is added to the price of taxable goods or services and the tax is collected from the purchaser at the time of sale.

Generators on Farms

Current law provides for a sales tax exemption for generators used on poultry farms.⁴ Current law also provides for a sales tax exemption for power farm equipment and irrigation equipment.⁵ In an analysis of a similar bill the REC states there will be no impact from striking out the word “poultry” from this section.⁶

Generators in Nursing Homes and Assisted Living Facilities

There is currently no sales tax exemption for the purchase of generators for assisted living facilities or nursing homes. In September 2017 The Agency for Health Care Administration (AHCA) and the Department of Elder Affairs (DEA) published Emergency Rules to require nursing homes and assisted living facilities to comply with an emergency power plan.⁷ Nursing homes and assisted living facilities must provide a detailed plan which includes the acquisition of a sufficient generator or generators that ensure ambient temperatures at facilities will be maintained at 80 degrees or less for a minimum of 96 hours in the event of a loss of power. Facilities must also acquire and maintain sufficient fuel to ensure that in an emergency the generators can function as required and must acquire services necessary to install, maintain, and test the equipment to ensure the safe and sufficient operation of the generator system. Facilities must have implemented their plan within sixty days of September 16, 2017. Additional Emergency Rules were subsequently published to provide for exceptions for the implementation timeline.⁸

III. Effect of Proposed Changes:

Section 1 amends s. 212.08, F.S., to clarify the sales and use tax exemption applies to generators used on all farms, not just poultry farms.

The bill also creates an exemption for the purchase of equipment that uses natural gas or liquefied petroleum gas to generate emergency electricity at nursing homes and assisted living

² The tax rates, duration of the surtaxes, method of imposition, and proceed uses are individually specified in s. 212.055, F.S.

³ Section 212.054, F.S.

⁴ Section 212.08(5)(a), F.S.

⁵ Section 212.08(3), F.S.

⁶ Office of Economic and Demographic Research, *Revenue Impact Conference Results*, available at http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2018/_pdf/page254-266.pdf (last visited Jan. 23, 2018).

⁷ Florida Emergency Rules 58AER17-1 and 59AER17-1.

⁸ Florida Emergency Rules 58AER17-2 and 59AER17-2.

facilities, up to a maximum of \$30,000 for any one facility. The purchaser of the equipment must provide the dealer with an affidavit certifying that the equipment will only be used for the purpose allowed in the exemption. The Department of Revenue may adopt rules to administer this exemption.

Section 2 provides an effective date of July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Subsection (b) of s. 18, Art. VII, Florida Constitution, provides, that except upon approval of each house of the Legislature by two-thirds vote of the membership, the Legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989.

The REC has not determined the impact of the bill; however, based on the fiscal impact of a similar House bill, staff estimates that SB 1592 will reduce local government revenues by \$12.5 million in Fiscal Year 2018-2019, with a recurring \$12.5 million reduction.⁹

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The REC has not determined the impact of the bill; however, based on the fiscal impact of a similar House bill, staff estimates that SB 1592 will reduce General Revenue receipts by \$9.9 million in Fiscal Year 2018-2019, with a recurring \$9.9 million reduction. Staff estimates that SB 1592 will reduce local government revenues by \$12.5 million in Fiscal Year 2018-2019, with a recurring \$12.5 million reduction.

B. Private Sector Impact:

Businesses and individuals who purchase generators covered under this bill will benefit from the sales tax exemption.

⁹ Office of Economic and Demographic Research, *Revenue Impact Conference Results*, available at <http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2018/pdf/page254-266.pdf> (last visited Jan. 23, 2018).

C. Government Sector Impact:

The Department of Revenue estimates that that the implementation of this bill will result in an insignificant impact to the department.¹⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

The Department of Revenue analysis points out that it is unclear if the \$30,000 limit refers to the price of the equipment or the sales tax.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 212.08.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

¹⁰ Department of Revenue, *Senate Bill 1592 Fiscal Analysis* (Jan. 10, 2018) (on file with the Senate Agriculture Committee)



294374

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/25/2018	.	
	.	
	.	
	.	

The Committee on Agriculture (Farmer) recommended the following:

Senate Amendment (with title amendment)

Before line 20
insert:

Section 1. Section 366.042, Florida Statutes, is created to
read:

366.042 Power restoration priority.—The commission shall ensure that public utilities have effectively prioritized, in the event of an emergency, the restoration of services to critical medical facilities, including nursing homes licensed under part II of chapter 400 and assisted living facilities



294374

12 licensed under part I of chapter 429.

13

14 ===== T I T L E A M E N D M E N T =====

15 And the title is amended as follows:

16 Delete lines 2 - 3

17 and insert:

18 An act relating to energy; creating s. 366.042, F.S.;

19 requiring the Florida Public Service Commission to

20 ensure that public utilities effectively prioritize,

21 in the event of an emergency, the restoration of

22 services to critical medical facilities; amending s.

23 212.08, F.S.;

By Senator Grimsley

26-01842-18

20181592__

1 A bill to be entitled

2 An act relating to sales and use tax exemptions for
3 electric generators; amending s. 212.08, F.S.;
4 revising the sales tax exemption for certain items in
5 agricultural use to include generators used on all
6 farms, rather than only on poultry farms; providing a
7 sales tax exemption for the purchase of certain
8 emergency electric energy equipment used at nursing
9 homes and assisted living facilities; providing a
10 requirement for the use of the electric energy;
11 requiring purchasers of such equipment to provide
12 dealers with a certain affidavit; providing a criminal
13 penalty if a person furnishes a false affidavit;
14 specifying a limit to the exemption; authorizing the
15 Department of Revenue to adopt rules; providing an
16 effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Paragraph (a) of subsection (5) of section
21 212.08, Florida Statutes, is amended, and paragraph (t) is added
22 to that subsection, to read:

23 212.08 Sales, rental, use, consumption, distribution, and
24 storage tax; specified exemptions.—The sale at retail, the
25 rental, the use, the consumption, the distribution, and the
26 storage to be used or consumed in this state of the following
27 are hereby specifically exempt from the tax imposed by this
28 chapter.

29 (5) EXEMPTIONS; ACCOUNT OF USE.—

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20181592__

30 (a) *Items in agricultural use and certain nets.*—There are
31 exempt from the tax imposed by this chapter nets designed and
32 used exclusively by commercial fisheries; disinfectants,
33 fertilizers, insecticides, pesticides, herbicides, fungicides,
34 and weed killers used for application on crops or groves,
35 including commercial nurseries and home vegetable gardens, used
36 in dairy barns or on poultry farms for the purpose of protecting
37 poultry or livestock, or used directly on poultry or livestock;
38 animal health products that are administered to, applied to, or
39 consumed by livestock or poultry to alleviate pain or cure or
40 prevent sickness, disease, or suffering, including, but not
41 limited to, antiseptics, absorbent cotton, gauze for bandages,
42 lotions, vaccines, vitamins, and worm remedies; aquaculture
43 health products that are used by aquaculture producers, as
44 defined in s. 597.0015, to prevent or treat fungi, bacteria, and
45 parasitic diseases; portable containers or movable receptacles
46 in which portable containers are placed, used for processing
47 farm products; field and garden seeds, including flower seeds;
48 nursery stock, seedlings, cuttings, or other propagative
49 material purchased for growing stock; seeds, seedlings,
50 cuttings, and plants used to produce food for human consumption;
51 cloth, plastic, and other similar materials used for shade,
52 mulch, or protection from frost or insects on a farm; stakes
53 used by a farmer to support plants during agricultural
54 production; generators used on ~~poultry~~ farms; and liquefied
55 petroleum gas or other fuel used to heat a structure in which
56 started pullets or broilers are raised; however, such exemption
57 is not allowed unless the purchaser or lessee signs a
58 certificate stating that the item to be exempted is for the

26-01842-18

20181592__

59 exclusive use designated herein. Also exempt are cellophane
60 wrappers, glue for tin and glass (apiarists), mailing cases for
61 honey, shipping cases, window cartons, and baling wire and twine
62 used for baling hay, when used by a farmer to contain, produce,
63 or process an agricultural commodity.

64 (t) Equipment used to generate emergency electric energy.-

65 1. The purchase of any equipment that uses natural gas or
66 liquefied petroleum gas to generate emergency electric energy at
67 nursing homes and assisted living facilities is exempt from the
68 tax imposed by this chapter. The electric energy that is
69 generated must be used at the facility and meet the fuel needs
70 for emergency generation for that size and class of facility.

71 2. The purchaser of the emergency electric equipment must
72 provide the dealer with an affidavit certifying that the
73 equipment will only be used as set forth in subparagraph 1. A
74 person furnishing a false affidavit to the dealer is subject to
75 the penalty set forth in s. 212.085 and as otherwise provided by
76 law.

77 3. The exemption is limited to a maximum of \$30,000 for the
78 purchase of equipment for any one facility.

79 4. The department may adopt rules to administer this
80 exemption.

81 Section 2. This act shall take effect July 1, 2018.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Agriculture

BILL: SPB 7016

INTRODUCER: Agriculture Committee

SUBJECT: OGSR/School Food and Nutrition Service Program

DATE: January 24, 2018

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Akhavein</u>	<u>Becker</u>	<u>AG</u>	<u>AG Submitted as Comm.Bill/Fav</u>

I. Summary:

SPB 7016 continues the public records exemption for personal identifying information on students and families who receive free or reduced cost meals during the school year and summer period. Current law allows this information to be held by the Department of Agriculture and Consumer Services (DACS), the Department of Children and Families (DCF), and the Department of Education (DOE). The bill narrows the exemption by removing reference to information held by DCF, as that department does not hold information relating to applicants for or participants in a school food and nutrition service program. The bill reenacts and narrows the application of the public record exemption, which will repeal on October 1, 2018, if this bill does not become law.

II. Present Situation:

Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business of any public body, officer or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

In addition to the Florida Constitution, the Florida Statutes provides that the public may access legislative and executive branch records.³ Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.⁴ The Public Records Act states that it is

¹ FLA. CONST., art. I, s. 24(a).

² *Id.*

³ The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature's records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislatures are primarily located in s. 11.0431(2)-(3), F.S.

⁴ Public records laws are found throughout the Florida Statutes.

the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁵

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁶ The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may create an exemption to public records requirements.⁹ An exemption must pass by a two-thirds vote of the House and the Senate.¹⁰ In addition, an exemption must explicitly lay out the public necessity justifying the exemption, and the exemption must be no broader than necessary to accomplish the stated purpose of the exemption.¹¹ A statutory exemption which does not meet these criteria may be unconstitutional and may not be judicially saved.¹²

When creating a public records exemption, the Legislature may provide that a record is “confidential and exempt” or “exempt.”¹³ Records designated as “confidential and exempt” may be released by the records custodian only under the circumstances defined by the Legislature. Records designated as “exempt” are not required to be made available for public inspection, but may be released at the discretion of the records custodian under certain circumstances.¹⁴

Open Government Sunset Review Act

The Open Government Sunset Review Act (referred to hereafter as the “OGSR”) prescribes a legislative review process for newly created or substantially amended public records or open

⁵ Section 119.01(1), F.S.

⁶ Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” to mean as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST., art. I, s. 24(c).

¹⁰ *Id.*

¹¹ *Id.*

¹² *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). See also *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004).

¹³ If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

¹⁴ *Williams v. City of Minneola*, 575 So. 2d 687 (Fla. 5th DCA 1991).

meetings exemptions.¹⁵ The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption.¹⁶

The OGSR provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.¹⁷ An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;¹⁸
- Releasing sensitive personal information would be defamatory or would jeopardize an individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;¹⁹ or
- It protects trade or business secrets.²⁰

The OGSR also requires specified questions to be considered during the review process.²¹ In examining an exemption, the OGSR asks the Legislature to carefully question the purpose and necessity of reenacting the exemption.

If, in reenacting an exemption, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.²² If the exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage and *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.²³

¹⁵ Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to section 119.15(2), F.S.

¹⁶ Section 119.15(3), F.S.

¹⁷ Section 119.15(6)(b), F.S.

¹⁸ Section 119.15(6)(b)1., F.S.

¹⁹ Section 119.15(6)(b)2., F.S.

²⁰ Section 119.15(6)(b)3., F.S.

²¹ Section 119.15(6)(a), F.S. The specified questions are:

1. What specific records or meetings are affected by the exemption?
2. Whom does the exemption uniquely affect, as opposed to the general public?
3. What is the identifiable public purpose or goal of the exemption?
4. Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
5. Is the record or meeting protected by another exemption?
6. Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

²² FLA. CONST. art. I, s. 24(c).

²³ Section 119.15(7), F.S.

School Food and Nutrition Service Programs

Federal law authorizes federal financial assistance to states for the operation of school food and nutrition service programs.²⁴ The United States Department of Agriculture annually prescribes income guidelines for determining eligibility for free and reduced price meals.²⁵ DACS is the state administrator of school food and nutrition service programs. Such programs include the National School Lunch Program, the Special Milk Program, the School Breakfast Program, the Summer Food Service Program, the Fresh Fruit and Vegetable Program, and any other program that relates to school nutrition under the purview of DACS.²⁶

Public Records Exemption for School Food Programs

Current law requires applicants for or participants in school food and nutrition service programs to provide certain sensitive, personal information to DACS and the DOE. In addition, the DCF receives information from the United States Social Security Administration and determines Medicaid eligibility for Florida and forwards that information to DACS and local education agencies for a determination of whether a student is eligible for participation in a school food and nutrition service program. Although DCF shares certain information with DACS, DCF does not receive information related to applicants for or participants in school food and nutrition service programs.

Section 595.409, F.S., provides that personal identifying information of an applicant for or participant in a school food and nutrition service program is exempt from public records requirements. The bill provides that the exemption is subject to the Open Sunset Review Act and stands repealed on October 2, 2018, unless reviewed and saved from repeal through reenactment by the Legislature.

Staff Review of the Exemption

The Open Government Sunset Review Act requires that a public records exemption must serve an identifiable public purpose in order to be maintained. As part of the Open Government Sunset Review process to determine this, professional staff of the Senate Agriculture Committee sent a questionnaire to DACS, DOE, and DCF. The three departments all recommended reenactment of the exemption, and DCF did not oppose narrowing the application of the exemption by removing DCF from the exemption.²⁷

III. Effect of Proposed Changes:

Section 1 amends s. 595.409, F.S., to save from repeal the public record exemption for personal identifying information of an applicant for or participant in a school food and nutrition service program. It also removes DCF from the exemption.

²⁴ See the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq) and the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq).

²⁵ 42 U.S.C.1758(b)(1)(A) and 42 U.S.C. 1773(e)(1)(A); see also USDA Income Eligibility Guidelines found online at: <https://www.fns.usda.gov/school-meals/income-eligibility-guidelines> (last visited January 11, 2018).

²⁶ Section 595.402, F.S.

²⁷ The survey is on file with the Senate Agriculture Committee.

Section 2 provides that this act shall take effect October 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

The bill does not expand the current exemption, and therefore public necessity statements are not required. Since there is no expansion of the exemption, a simple majority vote is sufficient for passage.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 595.409 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

FOR CONSIDERATION By the Committee on Agriculture

575-01897-18

20187016pb

1 A bill to be entitled
2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 595.409, F.S., relating
4 to an exemption from public record requirements for
5 personal identifying information of an applicant for
6 or participant in a school food and nutrition service
7 program; removing applicability of the exemption to
8 such information held by the Department of Children
9 and Families; removing the scheduled repeal of the
10 exemption; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Section 595.409, Florida Statutes, is amended to
15 read:

16 595.409 Public records exemption.—

17 (1) Personal identifying information of an applicant for or
18 participant in a school food and nutrition service program, as
19 defined in s. 595.402, held by the department, ~~the Department of~~
20 ~~Children and Families,~~ or the Department of Education is exempt
21 from s. 119.07(1) and s. 24(a), Art. I of the State
22 Constitution.

23 (2) (a) Such information shall be disclosed to:

24 1. Another governmental entity in the performance of its
25 official duties and responsibilities; or

26 2. Any person who has the written consent of the applicant
27 for or participant in such program.

28 (b) This section does not prohibit a participant's legal
29 guardian from obtaining confirmation of acceptance and approval,

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20187016pb

30 dates of applicability, or other information the legal guardian
31 may request.

32 (3) This exemption applies to any information identifying a
33 program applicant or participant held by the department, ~~the~~
34 ~~Department of Children and Families,~~ or the Department of
35 Education before, on, or after the effective date of this
36 exemption.

37 ~~(4) This section is subject to the Open Government Sunset~~
38 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~
39 ~~on October 2, 2018, unless reviewed and saved from repeal~~
40 ~~through reenactment by the Legislature.~~

41 Section 2. This act shall take effect October 1, 2018.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Judiciary, *Chair*
Banking and Insurance, *Vice Chair*
Agriculture
Appropriations Subcommittee on Finance and Tax
Regulated Industries

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR GREG STEUBE

23rd District

January 25, 2018

The Honorable Denise Grimsley
Florida Senate
413 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Senator Grimsley,

I respectfully request an excused absence from the Senate Agriculture meeting this today. Thank you for your consideration in this matter.

Respectfully yours,

A handwritten signature in blue ink, appearing to read "W. Gregory Steube".

W. Gregory Steube
District 23

REPLY TO:

- 722 Apex Road, Unit A, Sarasota, Florida 34240 (941)342-9162
- 326 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

1-25-18

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

SB 1592

Bill Number (if applicable)

Topic Tax Exempt Generators

Name Amy Datz

Amendment Barcode (if applicable)

Job Title Environmental Caucus of Florida

Address 1130 Crestview Ave.

Street

Phone (850) 322-7599

Tallahassee FL 32303

City

State

Zip

Email amalie.datz@mac.com

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing Environmental Caucus of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-25-18

Meeting Date

1597

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Dale Calhoun

Job Title _____

Address 3015 Monroe St Unit A

Phone 850 681 0496

Street

Tallahassee FL 32301

Email _____

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Natural Gas Association & Florida Propane Gas Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

CourtSmart Tag Report

Room: SB 301

Caption: Senate Agriculture Committee

Case No.:

Judge:

Type:

Started: 1/25/2018 1:30:30 PM

Ends: 1/25/2018 1:48:46 PM

Length: 00:18:17

1:30:32 PM Called to Order
1:30:35 PM Roll Call
1:30:40 PM Quorum is Present
1:30:51 PM Meeting Turned Over to Vice Chair Rader
1:30:53 PM Tab 2 SB 1592
1:31:14 PM SB 1592 Explained by Chair Grimsley
1:32:57 PM Question from Senator Baxley
1:33:21 PM Chair Grimsley Responds
1:33:52 PM Question from Senator Powell
1:34:07 PM Chair Grimsley Responds
1:34:15 PM Back and Forth Between Senator Powell and Chair Grimsley
1:34:20 PM Question from Senator Rouson
1:34:43 PM Chair Grimsley Responds
1:35:06 PM Question from Senator Mayfield
1:35:36 PM Chair Grimsley Responds
1:35:40 PM Back and Forth Between Senator Mayfield and Chair Grimsley
1:36:26 PM Late-Filed Amendment Barcode 294374 Explained by Senator Farmer
1:38:27 PM Amendment Barcode 294374 Withdrawn by Senator Farmer
1:39:05 PM Amy Datz rep. Environmental Caucus of Florida Speaks in Support of SB 1592
1:41:44 PM Dale Calhoun rep. FL Natural Gas Assoc. and FL Propane Gas Assoc. Waives in Support of SB 1592
1:42:01 PM Senator Baxley in Debate Speaks in Support of SB 1592
1:44:21 PM Senator Mayfield Speaks in Debate
1:45:31 PM Chair Grimsley Waives Close on SB 1592
1:45:37 PM Roll Call on SB 1592
1:45:53 PM SB 1592 is Reported Favorably
1:46:08 PM Tab 3 SPB 7016
1:46:16 PM Chair Grimsley Explains SPB 7016
1:47:02 PM No Questions, Appearance Forms, or Debate
1:47:05 PM Chair Grimsley Waives Close
1:47:08 PM
1:47:59 PM Motion for SPB 7016 to be submitted as a committee bill
1:48:03 PM Roll Call on SPB 7016
1:48:15 PM SPB 7016 is Reported Favorably
1:48:24 PM Tab 1 Presentation by the Future Farmers of America has been Postponed
1:48:39 PM Meeting Adjourned