

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

Prepared By: Ways and Means Committee

BILL: CS/SB 394

SPONSOR: General Government Appropriations and Senator Claryl

SUBJECT: Enforcement of Farm Labor Laws

DATE: March 29, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Faris/DeLoach</u>	<u>Hayes</u>	<u>GA</u>	<u>Fav/CS</u>
2.	<u>Faris/DeLoach</u>	<u>Coburn</u>	<u>WM</u>	<u>Favorable</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The Committee Substitute for Senate Bill 394 amends section 450.38, Florida Statutes, adding the provision that moneys for the enforcement of farm labor laws shall be transferred to the Professional Regulation Trust Fund in the Department of Business and Professional Regulation from the Workers' Compensation Administration Trust Fund in the Department of Financial Services. The bill also provides that in addition to the purpose stated in s. 44.50(1)(a), F.S., funds in the Workers' Compensation Administration Trust Fund in the Department of Financial Services may be used for the enforcement of farm labor laws by the Department of Business and Professional Regulation.

II. Present Situation:

The Farm Labor Program in the Department of Business and Professional Regulation (DBPR) is funded from the General Revenue Fund and the Professional Regulation Trust Fund. The trust fund serves as the repository for the program's sources of revenue which include registration and testing fees, federal funds, penalties, and permits. Section 450.165, F.S., directs DBPR to maintain a separate account in the fund for the enforcement of farm labor laws and child labor laws.

The Workers' Compensation Administration Trust Fund was created in s. 440.50, F.S., in the Department of Financial Services (DFS) to provide payment of all expenses related to the administration of workers' compensation. The trust fund is used to pay for vocational rehabilitation of injured employees, weekly compensation payments due under s. 440.15(1)(f), F.S., funding of fixed administrative expenses of the plan, funding of the Bureau of Workers' Compensation Fraud within DFS, and the Child Labor Law program in DBPR. Revenue sources

of the fund include penalties, fines, and fees that are assessed in compliance with workers' compensation law.

III. Effect of Proposed Changes:

This bill allows the Legislature to reduce \$687,795 in recurring general revenue for Fiscal Year 2005-2006 by authorizing the use of the Workers' Compensation Administration Trust Fund for the enforcement responsibilities provided in s. 450.38, F.S., for farm labor laws.

Authorizing the use of funds in the Workers' Compensation Administration Trust Fund for the Farm Labor program is consistent with current funding for the Child Labor program. Both programs are administered by DBPR.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill will have a minimal impact to the private sector. A substantial fund balance currently exists in the Workers' Compensation Administration Trust Fund. This additional transfer should not increase the assessment against the net premiums earned by carriers or the amount of net premiums calculated by the department for self-insured employers.

C. Government Sector Impact:

\$687,795 in recurring general revenue is reduced from the 2005-06 fiscal year budget in DBPR and replaced with \$687,795 in budget authority from the Professional Regulation Trust Fund. The revenue source for the budget authority will be provided from the Workers' Compensation Administration Trust Fund. There is no reduction to the Farm Labor program due to this change in the funding source. In addition, the General

Government Appropriations Committee Bill for Fiscal Year 2005-2006 provides \$216,000 in non-recurring funds for replacement of motor vehicles for the program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
