

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 735 Division of Forestry
SPONSOR(S): Porter
TIED BILLS: None **IDEN./SIM. BILLS:** SB 1046

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee	15 Y, 0 N, As CS	Kaiser	Blalock
2) Rulemaking & Regulation Subcommittee			
3) Agriculture & Natural Resources Appropriations Subcommittee			
4) State Affairs Committee			

SUMMARY ANALYSIS

The Division of Forestry (division) within the Department of Agriculture and Consumer Services (department) is responsible for managing more than one million acres of forest resources. Besides forest management, the division also provides wildfire prevention and suppression among its many other duties.

Florida has had an organized forestry service for more than 80 years. Prior to the State Governmental Reorganization Act of 1969¹ (act), the state forests fell under the jurisdiction of the Florida Forest Service (service). The service was led by the Florida Board of Forestry (board), which was appointed by, and reported directly to, the governor. The board was responsible for setting forest policy, as well as appointing state foresters, among other responsibilities.

With the passage of the act in 1969, the service became a division within the newly created Department of Agriculture and Consumer Services and the board was converted to the Florida Advisory Council, which reported to the Commissioner of Agriculture.

The bill changes the name of the Division of Forestry to the Florida Forest Service, as it was first designated in the early 1900s. The bill also changes the title of the director of the Division of Forestry to the State Forester.

The Department of Agriculture and Consumer Services (department) states that the fiscal impact of this legislation would be minimal² with the signage transition occurring over a three-year period. The bill does not appear to have a fiscal impact on local governments.

¹ In 1968, Florida voters approved a new State Constitution that called for consolidation of a number of executive offices, requiring that 159 offices, boards, and departments be reorganized into "not more than twenty-five departments."

² \$6,600 (non-recurring)

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

The Division of Forestry (division) within the Department of Agriculture and Consumer Services (department) is responsible for managing more than one million acres of forest resources. Besides forest management, the division also provides wildfire prevention and suppression among its many other duties.

Florida has had an organized forestry service for more than 80 years. Prior to the State Governmental Reorganization Act of 1969³ (act), the state forests fell under the jurisdiction of the Florida Forest Service (service). The service was led by the Florida Board of Forestry (board), which was appointed by, and reported directly to, the governor. The board was responsible for setting forest policy, as well as appointing state foresters, among other responsibilities.

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Effect of Proposed Changes

The bill changes the name of the Division of Forestry to the Florida Forest Service, as it was first designated in the early 1900s. The bill also changes the title of the director of the Division of Forestry to the State Forester.

B. SECTION DIRECTORY:

Sections 1-5: Amending ss. 20.14, 121.0515, 125.27, 253.036, and 258.501, F.S.; renaming the Division of Forestry as the Florida Forest Service.

Section 6: Amending s. 25.035, F.S.; renaming the director of the Division of Forestry as the State Forester.

Section 7: Amending s. 259.036, F.S.; renaming the Division of Forestry as the Florida Forest Service.

Section 8: Amending s. 259.037, F.S.; renaming the director of the Division of Forestry as the State Forester.

Sections 9-11: Amending ss. 259.101, 259.105, and 259.10521, F.S.; renaming the Division of Forestry as the Florida Forest Service.

Section 12: Amending s. 260.0142, F.S.; renaming the director of the Division of Forestry as the State Forester.

Sections 13-67: Amending ss. 261.03, 261.04, 261.06, 261.12, 317.0010, 317.0016, 373.591, 379.226, 403.7071, 479.16, 570.29, 570.548, 570.549, 570.903, 581.1843, 589.01, 589.011, 589.012, 589.04, 589.06, 589.07, 589.071, 589.08, 589.081, 589.09, 589.10, 589.101, 589.11, 589.12, 589.13, 589.14, 589.18, 589.19, 589.20, 589.21, 589.26, 589.27, 589.275, 589.277, 589.28, 589.29, 589.30, 589.31, 589.32, 589.33, 589.34, 590.01, 590.015, 590.02, 590.081, 590.091, 590.125, 590.14, 590.16, and 590.25, F.S.; renaming the Division of Forestry as the Florida Forest Service.

Sections 68-69: Amending ss. 590.33 and 590.34, F.S.; renaming the director of the Division of Forestry as the State Forester.

³ In 1968, Florida voters approved a new State Constitution that called for consolidation of a number of executive offices, requiring that 159 offices, boards, and departments be reorganized into "not more than twenty-five departments."

Sections 70-71: Amending ss. 590.35 and 590.42, F.S.; renaming the Division of Forestry as the Florida Forest Service.

Section 72: Amending chapter 591, F.S.; amending the name of Chapter 591, F.S., from “Forest Development” to “Community Forests.”

Sections 73-84: Amending ss. 591.15, 591.16, 591.17, 591.18, 591.19, 591.20, 591.21, 591.22, 591.23, 591.24, 591.25, and 591.26, F.S.; revising terminology used in provisions relating to community forests, transferring and renumbering statute sections, and renaming the Division of Forestry as the Florida Forest Service.

Sections 85-87: Amending ss. 633.115, 633.821, and 790.15, F.S.; renaming the Division of Forestry as the Florida Forest Service.

Section 88: Providing an effective date of July 1, 2011.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

See Fiscal Comments section.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

The Department of Agriculture and Consumer Services (department) states that the fiscal impact of this legislation would be minimal⁴ with the signage transition occurring over a three-year period.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenues in the aggregate, or reduce the percentage of a state tax shared with counties or municipalities.

⁴ \$6,600 (non-recurring)

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 8, 2011, the Agriculture and Natural Resources Subcommittee adopted one amendment to HB 735. The amendment was technical in nature, changing a reference to the "division" to the Florida Forest Service.