

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

Date: March 12, 1998 Revised: \_\_\_\_\_

Subject: Agricultural Sales

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Luken</u>	<u>Poole</u>	<u>AG</u>	<u>Favorable/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

**I. Summary:**

This bill changes the name of the "Florida Avocado, Mango, Lime, and Tomato Sales Law" to the "Florida Tropical or Subtropical Fruit and Vegetables Sales Law." It expands the scope of the law to include all tropical or subtropical fruit and vegetables. It prescribes that certain containers are to be used in the shipping and distribution of tropical or subtropical fruits and vegetables. The penalty for violating provisions that require identification of the seller of tropical or subtropical fruits and vegetables are increased, as is the penalty for failure to comply with the provisions of s. 603.161, F.S.

This bill substantially amends sections 570.55 and 603.161, Florida Statutes.

This bill provides an effective date of October 1 of the year in which it is enacted.

**II. Present Situation:**

Currently s. 570.55, F.S., requires that for each transaction involving 55 pounds or more of avocados, mangos, limes, or tomatoes, the buyer or receiver must receive documentation of the date and quantity of the transaction as well as the identification of the seller or handler. Violation of these provisions will result in the confiscation of such fruit by an inspector or any law enforcement officer. This section also currently provides that any person who knowingly, willfully, and intentionally violates these provisions is guilty of a second degree misdemeanor.

Section 603.161, F.S., currently requires that every purchaser of more than one bushel or crate of tropical or semitropical fruit is to obtain a sales certificate from the grower containing detailed information about the transaction, the fruit, and the grower. This sales certificate is to accompany the fruit from the point of growth to the final processor and is to be kept for 1 year from date of

purchase. Also, all firms or individuals transporting fruit are required to obtain a work order, containing detailed information about the transporter, the destination, and the time and means of transport. This section currently provides that violation of these provisions constitutes a second degree misdemeanor.

### **III. Effect of Proposed Changes:**

Section 1: Expands the scope of s. 570.55, F.S., to include all tropical or subtropical fruit and vegetables, and defines the terms “tropical or subtropical fruit” and “vegetables.” Citrus fruit, as defined in s. 601.03(7), F.S., is excluded from the definition of “tropical or subtropical fruit.” The Department of Agriculture and Consumer Services may, by rule, include additional vegetables. This bill further requires that those engaged in the business of packing or shipping tropical or subtropical fruit or vegetables, except for growers or their agents, will only accept such fruit or vegetables in a standard industry field container. This bill increases the penalty for violation of the provisions of s. 570.55, F.S., from a second degree misdemeanor to a first degree misdemeanor.

Section 2: Revises the definition of tropical and semitropical fruit in s. 603.161, F.S., to include carambolas, longans, mameys, and passionfruit. Citrus fruit, as defined in s. 601.03(7), F.S., is specifically excluded. This bill increases the penalty for violations of s. 603.161, F.S., from a second degree misdemeanor to a first degree misdemeanor.

### **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:**

According to the Office of Agricultural Law Enforcement, restricting packers or shippers of tropical or subtropical fruit and vegetables to accepting only produce that is packaged in a standard industry field container would reduce theft of these items. The increase in the penalty would enable further prosecution of violations and may deter such violations.

**C. Government Sector Impact:**

This bill would create additional responsibilities for inspection of additional tropical and subtropical fruits and vegetables, but as there are already agricultural inspection stations and personnel in place, it does not appear that this bill would have any economic impact on the government sector.

**VI. Technical Deficiencies:**

Section 1 defines “tropical or subtropical fruit” by naming each fruit. Section 2 defines “tropical or semitropical fruit” by the same terminology. It may provide clarity if the term “tropical or subtropical fruit” were used throughout.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.