

**STORAGE NAME:** h3233s1.ag

**DATE:** March 13, 1998

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
AGRICULTURE  
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

**BILL #:** CS/HB 3233

**RELATING TO:** Food Products

**SPONSOR(S):** Committee on Agriculture and Representative Jacobs

**COMPANION BILL(S):** SB 1860 (i) by Senator Klein

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) AGRICULTURE YEAS 7 NAYS 0
  - (2) CRIME & PUNISHMENT
  - (3) BUSINESS DEVELOPMENT & INTERNATIONAL TRADE
  - (4)
  - (5)
- 

I. SUMMARY:

Committee Substitute for HB 3233 amends section 500.04, F.S., to require that fresh meat, fish, or poultry that is rewrapped or repackaged must bear a label stating the "sell by" date that originally appeared on the package before repackaging.

Existing law provides that a violation of section 500.04, F.S., is considered a misdemeanor of the second degree punishable by imprisonment of up to 60 days and/or a fine of up to \$500.

According to the Department of Agriculture and Consumer Services, there is no fiscal impact to state or local government from this legislation.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Currently, raw meat that is rewrapped or repackaged is not required to have the original package date stated on the new packaging label.

Generally, the rewrapping or repackaging of raw meat occurs to remedy aesthetic problems, i.e. blood drainage, and to ascertain that there are no signs of possible spoilage. Industry practice allows for the rewrapping or repackaging of some meat items, providing that the quality and wholesomeness of the product is not compromised. Raw meat can last indefinitely if kept at the proper temperature, approximately 41° F.

According to information provided by the department, to assure quality control of the meat being sold to their customers, management in some retail stores has arbitrarily chosen a two or three day shelf life when that store's meat is placed in the retail case. At the expiration of the chosen shelf life, the meat is unwrapped to determine if any darkening or signs of possible spoilage has begun. If there is no evidence of darkening or beginning spoilage, the store meat manager may rewrap the meat for sale for one or two more days. The quality of raw meat is not compromised by repackaging or rewrapping but by substantial fluctuations in temperature. Department regulations require that the meat be properly refrigerated at all times.

B. EFFECT OF PROPOSED CHANGES:

This bill requires that fresh meat, fish, or poultry that is rewrapped or repackaged to bear a label stating the original "sell by" date that appeared on the package before repackaging.

To sell, deliver for sale, or offer for sale any raw meat product not carrying this label would be considered a "prohibited act" and punishable by imprisonment up to 60 days and/or a fine of up to \$500.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced: **Not Applicable.**

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

(2) what is the cost of such responsibility at the new level/agency?

(3) how is the new agency accountable to the people governed?

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

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- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment **Not Applicable.**

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

- (2) Who makes the decisions?

- (3) Are private alternatives permitted?

- (4) Are families required to participate in a program?

- (5) Are families penalized for not participating in a program?

- b. Does the bill directly affect the legal rights and obligations between family members?

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

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(1) parents and guardians?

(2) service providers?

(3) government employees/agencies?

D. STATUTE(S) AFFECTED:

Sections 500.04 and 500.177, Florida Statutes

E. SECTION-BY-SECTION RESEARCH:

See Section B. regarding effect of proposed changes.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. **DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

Direct private sector benefits resulting from this bill are expected to be minimal.

3. Effects on Competition, Private Enterprise and Employment Markets:

This bill is expected to have negligible effect on competition, private enterprise, and employment markets.

D. **FISCAL COMMENTS:**

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. **APPLICABILITY OF THE MANDATES PROVISION:**

This bill does not require counties or municipalities to spend funds or take actions requiring expenditure of funds.

B. **REDUCTION OF REVENUE RAISING AUTHORITY:**

The bill does not reduce the revenue raising authority of any county or municipality.

C. **REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:**

The bill does not reduce any state tax revenues shared with counties and municipalities.

V. COMMENTS:

None.