



038646

CHAMBER ACTION

Senate

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House

1 The Committee on Commerce (Diaz de la Portilla) recommended the
2 following **amendment**:

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4 **Senate Amendment (with title amendment)**

5 Between line(s) 41 and 42

6 insert:

7 Section 2. Section 531.417, Florida Statutes, is created
8 to read:

9 531.417 Permits for commercial weighing or measuring
10 instruments or devices, and electronic price scanner systems.--

11 (1) A person may not operate or use for commercial
12 purposes any weighing or measuring instrument or device, or any
13 retail commercial electronic price scanner unless the person
14 obtains an annual permit from the department. The permit applies



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15 only to the specific instrument or device at the specific
 16 business location for which the permit was issued.

17 (a) The department may allow the permit to be applied to a
 18 replacement for the instrument or device specified in the
 19 permit.

20 (b) If the ownership of an instrument or device for which
 21 a permit has been issued changes and it remains in the same
 22 business location, the permit transfers to the new owner and
 23 remains in effect until its original expiration date, provided
 24 the new owner notifies the department within thirty calendar
 25 days of the change in ownership.

26 (c) If the ownership of an instrument or device for which
 27 a permit has been issued changes and is moved to a new business
 28 location, the permit is void.

29 (2) Each permit is valid for one year. Each permit must be
 30 renewed annually on a form prescribed by the department. The
 31 applicant must also submit a fee in an amount determined by the
 32 department, sufficient to fund the department's cost of
 33 providing the specific service. However, such fees may not
 34 exceed the following:

35 (a) For weighing instruments or devices:

<u>Manufacturer's Rated Capacity</u>	<u>Maximum Fee Per Device</u>
0-100 pounds	<u>\$50</u>
>100-5,000 pounds	<u>\$200</u>
>5,000-20,000 pounds	<u>\$300</u>

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40	>20,000 pounds or more	<u>\$400</u>
41	Wheel Load Weighers	<u>\$35</u>
42	Static Railroad Track Scales	<u>\$1,000</u>
43	Belt Conveyor Scales	<u>\$500</u>
44	In-motion Railroad Track Scales	<u>\$1,000</u>
45		
46	<u>(b) For measuring devices:</u>	
	<u>Mass flow meters with a maximum</u>	<u>\$100</u>
	<u>flow rate of up to 150 pounds</u>	
	<u>per minutes</u>	
47	<u>Mass flow meters with a maximum</u>	<u>\$500</u>
	<u>flow rate greater than 150</u>	
	<u>pounds per minute</u>	
48	<u>Volumetric flow meters with a</u>	<u>\$50</u>
	<u>maximum flow rate of up to 20</u>	
	<u>gallons per minute</u>	
49	<u>Volumetric flow meters with a</u>	<u>\$100</u>
	<u>maximum flow rate greater than</u>	
	<u>20 gallons per minute</u>	
50	<u>Tanks, under 500 gallons</u>	<u>\$100</u>
	<u>capacity when used as measure</u>	
	<u>containers with or without gage</u>	



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rods or markers

51

Tanks, 500 or more gallons \$200

capacity when used as measure

containers with or without gage

rods or markers

52

For taximeters \$50

53

For grain moisture meters \$25

54

For multiple dimension \$100

measuring devices

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56 (c) For retail commercial electronic price scanner

57 devices, \$25.

58 (3) Beginning July 1, 2013, the department may adjust the

59 fee limits provided under this section by rule, based on the

60 change in the Consumer Price Index published by the United

61 States Department of labor, and every 5 years thereafter.

62 (4) If an application for a permit renewal is not received

63 by the department within 30 days after its due date, the

64 applicant must also submit a late fee of not more than \$100, as

65 determined by department rule, to obtain a permit.

66 (5) All amounts collected shall be deposited by the Chief

67 Financial Officer to the credit of the General Inspection Trust

68 Fund of the Department of Agriculture and Consumer Services

69 pursuant to s. 570.20, for the sole purpose of administering

70 this section.

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71 (6) If a person operates or uses for commercial purposes
72 any weighing or measuring instrument or device without obtaining
73 a valid permit from the department, the department may:

74 (a) After notifying the person of the requirements of this
75 section, prohibit the further commercial use of the instrument
76 or device until the proper permit is issued;

77 (b) Attach to non-permitted instrument or device a form,
78 notice, tag or seal as it considers necessary to prevent the
79 unauthorized use of the instrument or device;

80 (c) Assess a late application fee of not more than \$100,
81 as determined by department rule, in addition to the application
82 fee pursuant to subsection (2); or

83 (d) Impose penalties pursuant to s. 531.50.

84 (7) The department is authorized to adopt rules to provide
85 for the permit application, permit transfer and replacement, fee
86 schedule, the annual permit and related identification tags.

87 (8) A permit is not required for persons operating or
88 using commercial weighing or measuring instrument or device or
89 price scanner device if:

90 (a) The instrument or device is a taximeter, licensed,
91 permitted or registered by a county or municipality and is
92 tested for accuracy and compliance with state standards pursuant
93 to s. 531.421;

94 (b) The instrument or device is used exclusively for
95 weighing railroad cars and is tested for accuracy and compliance
96 with state standards by a private testing agency;

97 (c) The instrument or device is used exclusively for
98 measuring petroleum products taxed pursuant to s. 525.09.



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99 (d) The instrument is a retail commercial electronic price
100 scanner at a business location with four or fewer devices; or

101 (e) The instrument is a retail commercial electronic price
102 scanner at a business location for which a person has a permit
103 for commercial weighing or measuring devices.

104 (9) Permits required by this section are in addition to any
105 other registration, license or permit required by law.

106
107 ===== T I T L E A M E N D M E N T
108 =====

109 And the title is amended as follows:

110 On line(s) 7, after the semicolon,
111 insert:

112 creating s. 531.417, F.S.; requiring a permit for
113 commercial weighing or measuring instruments or devices;
114 authorizing fees; authorizing the department to adjust
115 licenses and permit fees every 5 years by rule; providing
116 for enforcement; authorizing rules; providing exemptions;