

By the Committee on General Government Appropriations; and
Senator Baker

601-03906-09

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1 A bill to be entitled

2 An act relating to the Department of Agriculture and
3 Consumer Services; creating s. 531.60, F.S.; requiring
4 a permit for weights and measures instruments or
5 devices used commercially or tested by the department;
6 creating s. 531.61, F.S.; providing exemptions from
7 permit requirements; creating s. 531.62, F.S.;
8 providing for permit application and annual renewal;
9 creating s. 531.63, F.S.; providing for maximum permit
10 fees based on the number and capacity of such
11 instruments or devices; creating s. 531.64, F.S.;
12 providing for the suspension or revocation of permits;
13 creating s. 531.65, F.S.; authorizing the department
14 to take certain actions and impose penalties for
15 unpermitted use; creating s. 531.66, F.S.; directing
16 the department to develop forms and adopt rules;
17 amending s. 589.08, F.S.; limiting the payment of a
18 certain percentage of the gross receipts from a state
19 forest to fiscally constrained counties; amending s.
20 589.081, F.S.; limiting the payment of a certain
21 percentage of the gross receipts from specified state
22 forests to the board of county commissioners and the
23 school board of certain fiscally constrained counties;
24 providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Section 531.60, Florida Statutes, is created to
29 read:

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30 531.60 Permit for commercially operated or tested weights
31 or measures instrument or devices.-

32 (1) A weights and measures instrument or device may not
33 operate or be used for commercial purposes, as defined by
34 department rule, within this state without a valid commercial
35 use permit issued by the department, unless exempted as provided
36 in s. 531.61. Such permit applies only to the specific
37 instrument or device for which the permit was issued. However,
38 the department may allow such permit to be applicable to a
39 replacement for the original instrument or device.

40 (2) If ownership of an instrument or devices for which a
41 permit has been issued changes and the instrument or device:

42 (a) Remains in the same location, the permit transfers to
43 the new owner and remains in effect until its original
44 expiration date. Within 30 days after the change in ownership,
45 the new owner shall notify the department of the change and
46 provide the pertinent information regarding the change in
47 ownership and an updated replacement permit shall be issued if
48 needed.

49 (b) Moves to a new location, the permit automatically
50 expires and a new permit must be issued which will expire 1 year
51 following the date of issuance.

52 (3) Weights and measures instruments or devices that are
53 not used commercially may be tested by the department under this
54 chapter only if they are permitted and appropriate fees paid as
55 prescribed by this section and adopted rules.

56 Section 2. Section 531.61, Florida Statutes, is created to
57 read:

58 531.61 Exemptions from permit requirement.-Commercial

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59 weights or measures instruments or devices are exempt from the
60 permit requirements of ss. 531.60-531.66 if:

61 (1) The device is a taximeter that is licensed, permitted,
62 or registered by a municipality, county, or other local
63 government and is tested for accuracy and compliance with state
64 standards by the local government in cooperation with the state
65 as authorized in s. 531.421.

66 (2) The device is used exclusively for weighing railroad
67 cars and is tested for accuracy and compliance with state
68 standards by a private testing agency.

69 (3) The device is used exclusively for measuring petroleum
70 products taxed under s. 525.09.

71 Section 3. Section 531.62, Florida Statutes, is created to
72 read:

73 531.62 Permit application and renewal.-

74 (1) An application for a weights and measures commercial
75 use permit shall be submitted to the department on a form
76 prescribed and furnished by the department and must contain such
77 information as the department may require by rule.

78 (2) The application must be accompanied by a fee in an
79 amount determined by department rule. However, the fee for each
80 instrument or device may not exceed the maximum limits set forth
81 in s. 531.63.

82 (3) The department shall issue a permit and such other
83 identification tags or stickers as necessary to provide evidence
84 of compliance with ss. 531.60-531.66.

85 (4) A permit expires 1 year following its date of issue and
86 must be renewed annually. If an application for renewal is not
87 received by the department within 30 days after its due date, a

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88 late fee of up to \$100 must be paid in addition to the annual
 89 commercial use permit fee.

90 (5) All permit fees shall be deposited into the General
 91 Inspection Trust Fund and used to carry out and enforce the
 92 provisions of this chapter relating to testing, inspection,
 93 licensing, and regulation of commercial weights and measures
 94 instruments or devices and practices in the state.

95 Section 4. Section 531.63, Florida Statutes, is created to
 96 read:

97 531.63 Maximum permit fees.—The commercial use permit fees
 98 established for weights or measures instruments or devices shall
 99 be in an amount necessary to administer this chapter but may not
 100 exceed the amounts provided in this section.

101 (1) For weighing devices, the fees must be based on the
 102 manufacturer's rated capacity or the device's design and use and
 103 whether measuring by inch or pounds or the metric equivalent:

104 (a) For weighing devices of up to and including the 100-
 105 pound capacity which are used during any portion of the period
 106 covered by the permit, the maximum annual fees per retail
 107 establishment may not exceed the following:

<u>Number of devices</u>	<u>Maximum Fee</u>
<u>in a single retail</u>	
<u>establishment</u>	
<u>1 to 5</u>	<u>\$75</u>
<u>6 to 10</u>	<u>\$175</u>
<u>11 to 30</u>	<u>\$250</u>
<u>More than 30</u>	<u>\$500</u>

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117 (b) For weighing devices of greater than the 100-pound
 118 capacity, the maximum annual registration fees may not exceed
 119 the following amounts per device:

<u>Manufacturer's rated capacity</u>	<u>Maximum Fee Per Device</u>
<u>100-5,000 pounds</u>	<u>\$200</u>
<u>5,000-20,000 pounds</u>	<u>\$300</u>
<u>20,000 pounds or more</u>	<u>\$400</u>
<u>Wheel load weighers</u>	<u>\$35</u>
<u>Static railroad track scales</u>	<u>\$1,000</u>
<u>Belt-conveyor scales</u>	<u>\$500</u>
<u>In-motion railroad track scales</u>	<u>\$1,000</u>

129
 130 (2) For other measuring devices, the annual permit fees per
 131 device may not exceed the following:

132 (a) Mass flow meters having a maximum flow rate of up to
 133 150 pounds per minute \$100.

134 (b) Mass flow meters having a maximum flow rate greater
 135 than 150 pounds per minute \$500.

136 (c) Volumetric flow meters having a maximum flow rate of up
 137 to 20 gallons per minute \$50.

138 (d) Volumetric flow meters having a maximum flow rate
 139 greater than 20 gallons per minute \$100.

140 (e) Tanks, under 500 gallons capacity, used as measure
 141 containers, with or without gage rods or markers \$100.

142 (f) Tanks, 500 or more gallons capacity, used as measure
 143 containers, with or without gage rods or markers \$200.

144 (g) Taximeters \$50.

145 (h) Grain moisture meters \$25.

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146 (i) Multiple-dimension measuring devices \$100.
147 (3) The owner or person in possession of a weight or
148 measures instrument or device for which the permit fees have not
149 been paid in accordance with this section may not use such
150 instrument or device for commercial purposes.

151 Section 5. Section 531.64, Florida Statutes, is created to
152 read:

153 531.64 Suspension and revocation of permits.—Any permit
154 issued under s. 531.62 may be suspended or revoked by the
155 department if the devices or instruments for which the permit is
156 issued are operated or used contrary to this chapter or adopted
157 rules.

158 Section 6. Section 531.65, Florida Statutes, is created to
159 read:

160 531.65 Unauthorized use; penalties.—If a weights or
161 measures instrument or device is used commercially without a
162 valid commercial use permit, the department may:

163 (1) Prohibit the further commercial use of the unpermitted
164 instrument or device until the proper permit has been issued;

165 (2) Employ and attach to the instrument or device such
166 form, notice, tag, or seal to prevent the continued unauthorized
167 use of the instrument or device;

168 (3) In addition to the permit fees prescribed by rule for
169 the commercial use of a weights and measures instrument or
170 device, assess the late fee authorized under s. 531.62; or

171 (4) Impose penalties as prescribed in s. 531.50 in addition
172 to the payment of appropriate permit fees for the commercial use
173 of a weights and measures instrument or device.

174 Section 7. Section 531.66, Florida Statutes, is created to

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175 read:

176 531.66 Forms; rules.-

177 (1) The department shall prescribe such forms, permits,
178 certificates, and identification tags or stickers it considers
179 necessary to carry out the permitting provisions of ss. 531.60-
180 531.66.

181 (2) The department shall adopt rules necessary to
182 administer ss. 531.60-531.66.

183 Section 8. Subsection (2) of section 589.08, Florida
184 Statutes, is amended to read:

185 589.08 Land acquisition restrictions.-

186 (2) The division may receive, hold the custody of, and
187 exercise the control of any lands, and set aside into a
188 separate, distinct and inviolable fund, any ~~the~~ proceeds ~~which~~
189 ~~may be~~ derived from the sales of the products of such lands, the
190 use thereof in any manner, or the sale of such lands save the 25
191 percent of the proceeds ~~thereof~~ to be paid into the State School
192 Fund as provided by law. The division may use and apply such
193 funds for the acquisition, use, custody, management,
194 development, or improvement of any lands vested in or subject to
195 the control of the ~~such~~ division. After full payment has been
196 made for the purchase of a state forest, ~~to~~ the Federal
197 Government or other grantor, ~~then~~ 15 percent of the gross
198 receipts from a state forest shall be paid to the fiscally
199 constrained county or counties, as described in s. 218.67(1), in
200 which it is located in proportion to the acreage located in each
201 county for use by the county or counties for school purposes.

202 Section 9. Section 589.081, Florida Statutes, is amended to
203 read:

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204 589.081 Withlacoochee State Forest and Goethe State Forest;
205 payment ~~to counties~~ of portion of gross receipts.—The Division
206 of Forestry shall pay 15 percent of the gross receipts from
207 Withlacoochee State Forest and the Goethe State Forest to each
208 fiscally constrained county, as described in s. 218.67(1), in
209 which a portion of the respective forest is located in
210 proportion to the forest acreage located in such ~~each~~ county.
211 The funds must be equally divided between the board of county
212 commissioners and the school board of each fiscally constrained
213 county.

214 Section 10. This act shall take effect July 1, 2009.