

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 4013 Television Picture Tubes

SPONSOR(S): Business & Consumer Affairs Subcommittee and Eisnaugle

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Business & Consumer Affairs Subcommittee	14 Y, 0 N, As CS	Livingston	Creamer
2) Economic Affairs Committee			

SUMMARY ANALYSIS

The bill repeals ss. 817.559 and 817.56, F.S., relating to standards applicable to labeling of television picture tubes by a manufacturer, processor, or distributor. These products would no longer be required to be labeled to indicate the new and used components and materials of each unit.

The bill does not have a fiscal impact.

The bill has an effective date of July 1, 2011.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Currently s. 817.559 establishes labeling standards for television picture tubes. "Picture tube" is defined to mean:

"a cathode ray tube, commonly known as a television picture tube, designed primarily for use in a home-type television receiver alone or in combination with any electronic device or appliance."

This section prohibits a manufacturer, processor, or distributor of television picture tubes from selling picture tubes unless the product and its container, if any, is labeled to indicate the new and used components and materials of each unit. The label must conform to the statutory schedule of new and used components and materials to be disclosed on the label based on the particular grade which applies to each tube.

- Black and white picture tube:
 - Grade AA - All new components and materials, including new glass envelope.
 - Grade A - Used glass envelope; all other components and materials are new.
 - Grade B - Used glass envelope, used phosphorescent viewing screen, used aluminization, and used internal conductive coating; all other components and materials are new.
 - Grade C - Used picture tube for resale; all significant components and materials are used.
- Color picture tube:
 - Grade AA - All new components and materials, including new glass envelope.
 - Grade A - Used glass envelope and new or used shadow mask; all other components and materials are new.
 - Grade B - New electron gun; all other components and materials are used.
 - Grade C - Used picture tube for resale; all significant components and materials are used.

When a picture tube is a "second," the tube must be designated by label as a "second" to the exclusion of any other grade designation or component description. The following additional notation must appear verbatim on the label:

"This picture tube is a manufacturer's reject or second line quality tube, but it is capable of giving satisfactory performance."

A violation of the labeling requirements constitutes a misdemeanor of the second degree, punishable as provided on s. 775.082 or s. 775.083, F.S.:

- 775.082 Penalties; applicability of sentencing structures.
 - For a misdemeanor of the second degree, by a definite term of imprisonment not exceeding 60 days.
- 775.083 Fines.

- \$500, when the conviction is of a misdemeanor of the second degree or a noncriminal violation.

Proposed Changes

The bill repeals s. 817.559, F.S., relating to standards applicable to labeling of television picture tubes by a manufacturer, processor, or distributor. These products would no longer be required to be labeled to indicate the new and used components and materials of each unit.

B. SECTION DIRECTORY:

Section 1. Repeals ss. 817.559 and 817.56, F.S., relating to television picture tube labeling requirements.

Section 2. Effective date – July 1, 2011.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Not anticipated to be significant. Business overhead costs could be anticipated to be reduced in association with the practice of placing labels on picture tubes.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The 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 the counties or municipalities have to raise revenue in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 8, 2011, the Business & Consumer Affairs Subcommittee took up the bill, adopted one amendment, and passed the bill as a Subcommittee Substitute by a vote of 14-0.

The CS differs from the bill as filed in the following areas:

- removes language in s. 817.56, F.S., relating to standards applicable to labeling of television picture tubes that had not been included in the bill as filed.