

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 5501 (PCB ANRAS 13-03) Weights and Measures Instruments and Devices

SPONSOR(S): Agriculture & Natural Resources Appropriations Subcommittee; Albritton

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

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|-----------------------------------------------------------------------------|-----------|---------|------------------------------------------|
| Orig. Comm.: Agriculture & Natural Resources Appropriations Subcommittee | 12 Y, 0 N | Lolley | Massengale |
| 1) Appropriations Committee | 23 Y, 0 N | Lolley | Leznoff |

SUMMARY ANALYSIS

The Weights and Measures program within the Department of Agriculture and Consumer Services is responsible for testing the standards of weight and measure instruments or devices used by any city or county; inspecting all weights and measures kept or offered for sale; testing and inspecting all weights and measures commercially used; testing all weights and measures used in checking the receipt or disbursement of supplies in institutions for which funds are appropriated by the Legislature; weighing, measuring, or inspecting packaged commodities kept or offered for sale; and inspecting and testing grain moisture measuring devices.

Currently, the program is funded through permit fees not to exceed the specified maximum amounts established in section 531.63, Florida Statutes. Fees provided in rule range from \$15 to \$400 based on device, weight and/or capacity.

The permitting program, as well as the fees, will expire July 1, 2014.

The bill repeals section 40 of chapter 2009-66, Laws of Florida; creates section 531.67, Florida Statutes; and extends the repeal date of the permitting program and the associated fees to July 1, 2020.

As a result of this bill, the department will continue to receive approximately \$2 million in permit fees used to administer the program. Any local governments that own weighing and measuring devices and owners of commercial weighing and measuring devices will continue to pay the permit fees.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

The Bureau of Standards within the Department of Agriculture and Consumer Services is responsible for testing the standards of weight and measure instruments or devices used by any city or county; inspecting all weights and measures kept or offered for sale; testing and inspecting all weights and measures commercially used; testing all weights and measures used in checking the receipt or disbursement of supplies in institutions for which funds are appropriated by the Legislature; weighing, measuring, or inspecting packaged commodities kept or offered for sale; and inspecting and testing grain moisture measuring devices.¹

Prior to 2009, the inspection of weights and measures devices was funded from the General Revenue Fund. Chapter 2009-66, Laws of Florida, created the permitting program for commercially operated weights and measures instruments to replace the general revenue funds. Permits are issued on a per device basis, but businesses with multiple devices in one location are assessed less per device since certain economies of scale are realized by the regulatory program when conducting multiple inspections at one location.

The department was given rulemaking authority to implement the program and to set permit fees not to exceed specified maximum amounts to support the program.² Fees provided in rule range from \$15 to \$400 based on device, weight and/or capacity.³ Funds are deposited in the General Inspection Trust Fund.

The permitting and testing program, as well as the fees, will expire July 1, 2014.

Effect of Proposed Changes

The bill repeals section 40 of chapter 2009-66, Law of Florida; creates section 531.67, Florida Statutes; and extends the repeal date of the permitting program and the associated fees from July 1, 2014 to July 1, 2020.

B. SECTION DIRECTORY:

Section 1. Repeals section 40 of chapter 2009-66, L.O.F.; creates section 531.67, F.S.; extends repeal date to July 1, 2020.

Section 2. Provides an effective date of July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The department will continue to receive annually approximately \$2 million in permit fees into the General Inspection Trust Fund used to administer the program.

2. Expenditures:

None.

¹ Section 531.41

² Sections 531.66 and 531.63, F.S.

³ Rule 5F-5.002, F.A.C.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

Any local governments that own weighing and measuring devices will continue to pay the permit fee.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Owners of commercial weighing and measuring devices will continue to pay permit fees.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The Department of Agriculture and Consumer Services has sufficient rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES