

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #:	HB 5501	FINAL HOUSE FLOOR ACTION:	
SPONSOR(S):	Agriculture & Natural Resources Appropriations Subcommittee and Albritton	118 Y's	0 N's
COMPANION BILLS:	None	GOVERNOR'S ACTION: Approved	

SUMMARY ANALYSIS

HB 5501 passed the House on May 2, 2013, and subsequently passed the Senate on May 3, 2013. The bill includes portions of CS/CS/HB 7023, which passed the House on April 12, 2013 and passed the Senate on April 26, 2013.

Currently, the Weights and Measures program within the Department of Agriculture and Consumer Services is funded through permit fees. The fees are not to exceed the specified maximum amounts established in section 531.63, Florida Statutes. 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, to remove the scheduled repeal of the permitting and testing program, and creates section 531.67, Florida Statutes, which extends the repeal date of the permitting and testing program and the associated fees from July 1, 2014 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.

The bill was approved by the Governor on May 20, 2013, chapter 2013-55, Laws of Florida, and became effective July 1, 2013.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF 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, Laws of Florida, to remove the scheduled repeal of the permitting and testing program, and creates section 531.67, Florida Statutes, which extends the repeal date of the permitting and testing program and the associated fees from July 1, 2014 to July 1, 2020.

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.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

¹ Section 531.41, F.S.

² Sections 531.66 and 531.63, F.S.

³ Rule 5F-5.002, F.A.C.

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.