

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Committee on Agriculture, Environment, and General Government

BILL: CS/SB 1610

INTRODUCER: Agriculture Committee and Senator Rodriguez

SUBJECT: Fees/Fresh From Florida Retail Fresh Market Farm Stand Signage Program

DATE: April 11, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Burse</u>	<u>Becker</u>	<u>AG</u>	<u>Fav/CS</u>
2.	<u>Blizzard</u>	<u>Betta</u>	<u>AEG</u>	<u>Favorable</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1610 requires the Department of Agriculture and Consumer Services to include specified application, permit, placement, and removal fees in rules implementing the Fresh From Florida Retail Fresh Market Farm Stand Signage Program.

The bill may have an indeterminate, but insignificant fiscal impact on state revenues and expenditures. See Section V. Fiscal Impact Statement.

The bill will take effect on the same date that SB 1608 (2023 Regular Session) or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

II. Present Situation:

SB 1608 (2023 Regular Session)

SB 1608 (2023 Regular Session) by Senator Rodriguez, defines the term “retail fresh market farm stand.” The bill establishes the Fresh From Florida Retail Fresh Market Farm Stand Signage Program (program) within the Department of Agriculture and Consumer Services (department) to provide directional signage for certified retail fresh market farm stands. The bill authorizes the Commissioner of Agriculture to designate certified retail fresh market farm stands as state tourist attractions. The bill also permits the Department of Transportation to place directional signage promoting on interstate highways and roads. Establishes the Fresh From

Florida Retail Fresh Market Farm Stand Advisory Council within the department. SB 1608 does not authorize the assessment of any fees or taxes.

If passed and signed into law, the bill takes effect July 1, 2023.

III. Effect of Proposed Changes:

Section 1 amends s. 570.851, F.S., as created by SB 1608 (2023 Regular Session), requiring the department to adopt rules to implement the Fresh From Florida Retail Fresh Market Farm Stand Signage Program. The rules must include the following fees:

- An annual application and permit fee, not to exceed \$50.
- A signage placement fee, not to exceed \$250.
- A signage removal fee, not to exceed \$100.

Section 2 provides that the bill will take effect on the same date that SB 1608 (2023) or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Section 19, Art. VII of the State Constitution limits the authority of the legislature to enact legislation that imposes or raises a state tax or fee by requiring such legislation to be approved by a 2/3 vote of each chamber of the legislature.¹ Such state tax or fee imposed, authorized, or raised must be contained in a separate bill that contains no other subject.²

The constitution defines “fee” to mean any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.³

The bill authorizes the department to adopt, by rule, an annual application fee of \$50, a signage placement fee, not to exceed \$250 and a signage removal fee, not to exceed \$100.

¹ FLA. CONST. art. VII, s. 19(a)(b)

² FLA. CONST. art. VII, s. 19(e)

³ FLA. CONST. art. VII, s. 19(d)(1)

The department does not have authority under current law so the provisions of Section 19, Art. VII of the State Constitution appear to apply, requiring this legislation to be approved by a 2/3 vote of each house of the legislature.

E. **Other Constitutional Issues:**

None.

V. **Fiscal Impact Statement:**

A. **Tax/Fee Issues:**

None.

B. **Private Sector Impact:**

Owners and operators of qualified retail fresh market farm stands will have to pay an annual application fee of \$50, a signage placement fee, not to exceed \$250 and possibly a signage removal fee, not to exceed \$100.

C. **Government Sector Impact:**

This bill is linked to SB 1608 (2023 Regular Session) which requires the Department of Agriculture and Consumer Services (department) to implement the Fresh From Florida Retail Fresh Market Farm Stand Signage Program. This bill requires the department to develop rules and adopt fees to implement the program. The department estimates an indeterminate, yet negligible fiscal impact.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends section 570.851 of the Florida Statutes.

IX. **Additional Information:**

A. **Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Agriculture on March 20, 2023:

The committee substitute links this bill with SB 1608 (2023) to make them both effective on the same date.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
