

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 945 w/CS Department of Agriculture and Consumer Services
SPONSOR(S): Poppell
TIED BILLS: None **IDEN./SIM. BILLS:** SB 1222

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Agriculture	12 Y, 0 N w/CS	Kaiser	Reese
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

HB 945 enables the Department of Agriculture and Consumer Services (department) to establish rules allowing nonagricultural laden vehicles to bypass the department's agricultural inspection stations. In addition, the bill makes it unlawful for a person to impersonate an inspector, agent, or other employee of the department.

HB 945 does not appear to affect municipal or county government; nor does it seem to have any fiscal impact.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0945a.ag.doc
DATE: March 13, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

As laid out in s. 570.15, F.S., the Department of Agriculture and Consumer Services (department) has statutory authority to stop and inspect certain vehicles carrying agricultural products. These vehicles are required to stop at the department's interdiction stations located at strategic points within the state. During 2002, in an effort to alleviate traffic congestion at several of the stations, the department enacted a "Prepass Program" whereby certain companies may apply to the department and obtain a device which signals the driver of the vehicle that he/she may by-pass the station.

The conditions and criteria for participating in the Prepass Program are set forth in rule. While the department believes it has the authority to set forth the conditions in rule, questions have been raised regarding the legality of this authority. This legislation gives the department statutory authority for rulemaking in regards to the Prepass Program.

In addition, the department has received reports of several alleged instances of people impersonating inspectors of various divisions of the department to gain access to private property or a place of business. Because the department is responsible for regulating food safety, pest control use, fertilizer products and other areas that have a direct impact on the health and safety of Floridians, it is important to make certain that persons gaining entry are authorized employees of the department. HB 945 makes it unlawful for a person to impersonate an inspector, agent, or other employee of the department. Violators of this section of the statutes commit a misdemeanor of the second degree, punishable by a definite term of imprisonment not exceeding 60 days or a fine not to exceed \$500.

C. SECTION DIRECTORY:

Section 1: Amends s. 570.15, F.S., giving the Department of Agriculture and Consumer Services (department) rule-making authority for nonagricultural laden vehicles to by-pass an agricultural inspection station.

Section 2: Amends s. 570.16, F.S., providing a criminal penalty for impersonating an inspector, agent, or other employee of the department.

Section 3: Providing an effective date of upon becoming law.

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:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to affect municipal or county government.

2. Other:

None

B. RULE-MAKING AUTHORITY:

HB 945 gives the Department of Agriculture and Consumer Services (department) rule-making authority in regard to allowing nonagricultural laden vehicles to pass the department's agricultural inspection stations without stopping for inspection.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 13, 2003, the Committee on Agriculture adopted an amendment, offered by the bill's sponsor, changing the effective date of the bill from July 1, 2003 to upon becoming law. That change is reflected in this analysis.