

STORAGE NAME: s734.ag

DATE: March 24, 1998

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
AGRICULTURE
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: SB 734

RELATING TO: Petroleum Fuel Measuring Devices

SPONSOR(S): Senator Bronson

COMPANION BILL(S): HB 4165 (c) by Agriculture and Representative Bronson

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) SENATE AGRICULTURE YEAS 4 NAYS 0
 - (2) AGRICULTURE
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

SB 734 allows a meter mechanic to break the seal on the meter adjustment of a petroleum fuel measuring device to repair it in the absence of a Department of Agriculture and Consumer Services (department) inspector and place a new seal on the device for later inspection by the department inspector.

Since the department currently employs this practice through Rule 5F-2.007, F.A.C., this bill simply adds the language to the statutes.

This bill has no fiscal impact.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Currently, the Department of Agriculture and Consumer Services, through its Bureau of Petroleum Inspection, inspects petroleum fuel measuring devices to determine if these devices are in calibration. If these devices are not in calibration, the inspector places a seal on the pump so that it is rendered unusable. According to s. 525.07, F.S., it is unlawful for any person to break, cut or remove any seal applied by the Department of Agriculture and Consumer Services (department) to a petroleum fuel measuring device or container.

Under Rule 5F-2.007, F.A.C., the breaking of this seal is permitted by a registered meter mechanic for the purposes of adjusting or repairing the calibration, so long as the seal is replaced, the meter mechanic is identified on the seal, and the department is notified.

B. EFFECT OF PROPOSED CHANGES:

This bill would permit the continuation of the departmental practice of allowing a registered meter mechanic to break the seal on the meter adjustment in the absence of an inspector if the person breaking the seal:

- is a meter mechanic registered with the department;
- makes repairs and adjustments;
- reseals the adjusting mechanism;
- places the name of the company or the initials or name of the meter mechanic on the seal; and
- notifies the department of this action.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No

(3) any entitlement to a government service or benefit?

No

b. If an agency or program is eliminated or reduced: **Not Applicable**

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

(2) what is the cost of such responsibility at the new level/agency?

(3) how is the new agency accountable to the people governed?

2. Lower Taxes: **Not Applicable**

a. Does the bill increase anyone's taxes?

b. Does the bill require or authorize an increase in any fees?

c. Does the bill reduce total taxes, both rates and revenues?

d. Does the bill reduce total fees, both rates and revenues?

e. Does the bill authorize any fee or tax increase by any local government?

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Not Applicable

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

Not Applicable

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No

5. Family Empowerment: **Not Applicable**

- a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

(2) Who makes the decisions?

(3) Are private alternatives permitted?

(4) Are families required to participate in a program?

(5) Are families penalized for not participating in a program?

- b. Does the bill directly affect the legal rights and obligations between family members?

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

(2) service providers?

(3) government employees/agencies?

D. STATUTE(S) AFFECTED:

Section 525.07, F.S.

E. SECTION-BY-SECTION RESEARCH:

Section 1: Amends s. 525.07, F.S., allowing a meter mechanic, authorized by the Department of Agriculture and Consumer Services (department), to break the seal on the meter adjustment of a petroleum fuel measuring device to make repairs. After repairs and adjustments have been made, the device must be resealed with a seal clasp bearing the name of the company or the name or initials of the registered mechanic. The registered mechanic shall notify the department immediately of this action.

Section 2: Provides an effective date of upon becoming law.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS: **Not Applicable**

1. Non-recurring Effects:

2. Recurring Effects:

3. Long Run Effects Other Than Normal Growth:

4. Total Revenues and Expenditures:

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE: **Not Applicable**

1. Non-recurring Effects:

2. Recurring Effects:

3. Long Run Effects Other Than Normal Growth:

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Not Applicable

2. Direct Private Sector Benefits:

Most fuel measuring devices are properly calibrated, however, when a Department of Agriculture and Consumer Services (department) inspector determines one is out of calibration, the pump must be sealed and is unable to be used. Because the department inspector only inspects and does not calibrate the measuring device, it is difficult at times to have both the meter mechanic and the department inspector on the site simultaneously.

Permitting a meter mechanic to break the seal, repair and reseal the measuring device, and then notify the department of the repair, expedites the repair process and allows the pump to be put back into service in a more timely manner. Since the meter adjustment is resealed by the meter mechanic after the repair or adjustment, and must be reinspected by the department inspector prior to use by the public, there appears to be adequate safeguards to assure that the public is not using devices that are improperly calibrated.

3. Effects on Competition, Private Enterprise and Employment Markets:

None

D. FISCAL COMMENTS:

None

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties and municipalities to spend funds or take actions requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the revenue raising authority of any county or municipality.

STORAGE NAME: s734.ag

DATE: March 24, 1998

PAGE 7

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce any state tax revenues shared with counties and municipalities.

V. COMMENTS:

The provisions of this bill were included in HB 4165 (PCB AG 98-02), which passed the House Agriculture Committee on March 5, 1998.

STORAGE NAME: s734.ag

DATE: March 24, 1998

PAGE 8

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

VII. SIGNATURES:

COMMITTEE ON AGRICULTURE:

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