

STORAGE NAME: h1443.br.doc
DATE: March 27, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
BUSINESS REGULATION
ANALYSIS**

BILL #: HB 1443
RELATING TO: Shopping Carts
SPONSOR(S): Representative(s) Hart
TIED BILL(S): None

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

- (1) BUSINESS REGULATION
 - (2) COUNCIL FOR SMARTER GOVERNMENT
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill amends s. 506.5131, F.S., to provide that no fee in excess of \$500 per shopping cart found on public property may be assessed against the owner of the shopping cart unless the shopping cart was removed from the premises or parking area of the retail establishment by the owner of the shopping cart or an employee acting on the owner's behalf.

The bill also deletes the provision in existing law that requires the approval of applicable fees, fines and costs by the Department of Agriculture and Consumer Affairs [department] and replaces with a \$500 cap.

Combined, these changes appear to enable local governments to assess fees in an amount up to, but not exceeding \$500, per shopping cart found on public property regardless of the owner's culpability and that fees in excess of \$500 may be assessed for violations of individual local ordinances when the owner of the shopping cart or the owner's employee is responsible for placement of the shopping cart on public property.

The bill is not anticipated to have a significant impact on state revenue collections or expenditures.

The bill will take effect upon becoming a law.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | 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. PRESENT SITUATION:

Section 506.5131, Florida Statutes, was created by Chapter 98-396, Laws of Florida, and provides that the owner of any shopping cart containing a registered name or mark that is found on public property must be notified of its recovery. It also prohibits the assessment of fees, fines or costs against the owner of a shopping cart unless the shopping cart was removed from the premises or parking area of the establishment by the owner of the cart, or an employee acting on behalf of the owner.

This section provides that the Department of Agriculture and Consumer Services must approve any fee, fine or cost prior to its imposition.

C. EFFECT OF PROPOSED CHANGES:

This bill amends s. 506.5131, F.S., to provide that no fee in excess of \$500 per shopping cart found on public property may be assessed against the owner of the shopping cart unless the shopping cart was removed from the premises or parking area of the retail establishment by the owner of the shopping cart or an employee acting on the owner's behalf.

The bill also deletes the provision in existing law that requires the approval of applicable fees, fines and costs by the Department of Agriculture and Consumer Affairs [department] and replaces with a \$500 cap.

Combined, these changes appear to enable local governments to assess fees in an amount up to, but not exceeding \$500, per shopping cart regardless of the owners culpability and that fees in excess of \$500 may be assessed for violations of individual local ordinances when the owner of the shopping cart or the owner's employee is responsible for placement of the shopping cart on public property.

The bill is not anticipated to have a significant impact on state revenue collections or expenditures.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends s. 506.5131, Florida Statutes, to provide that no fees in excess of \$500 per shopping cart may be assessed against the owner of the shopping cart unless the shopping cart

was removed from the premises or parking area of the retail establishment by the owner of the shopping cart or an employee acting on the owner's behalf.

The bill deletes a reference to the Department of Agriculture and Consumer Services' approval of fees.

Section 2. Provides that the act will take effect upon becoming a law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The provisions of this bill are not anticipated to have a significant impact on state revenue collections.

2. Expenditures:

The provisions of this bill are not anticipated to have a significant impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Unknown.

D. FISCAL COMMENTS:

N/A

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

A. APPLICABILITY OF THE MANDATES PROVISION:

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

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

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

This bill does not reduce the percentage of state tax shared with counties or municipalities.

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V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None noted.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON BUSINESS REGULATION:

Prepared by:

Staff Director:

Janet Clark Morris

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