

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB ANRS 11-02 Timber and lumber stamps and brands

SPONSOR(S): Agriculture & Natural Resources Subcommittee

TIED BILLS: None **IDEN./SIM. BILLS:** None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Agriculture & Natural Resources Subcommittee		Cunningham	Blalock

SUMMARY ANALYSIS

Current Florida law regulates the use of timber and lumber brands and stamps to:

- Permit any person involved in the timber and lumber business to adopt a brand or stamp of their design to identify their saw logs;
- Permit a person to make a declaration of an adopted brand or stamp to authorized officers and clerks of the court in any county where their logs may be owned or in their possession;
- Enable any person to prevent the use of their brand or stamp by others in any county where their brand has been recorded;
- Provide that any log found in a county with a record of its brand or stamp, is deemed the property of the brand or stamp owner;
- Clarify that if two or more identical or substantially identical brands or stamps are recorded in the same county, only the first recorded brand or stamp is legal;
- Provide that tampering with legally recorded brands or stamps and fraudulently marking or stamping lumber with the intent to claim it as their own or to prevent identification by the actual owner is considered larceny; and
- Provide that any unlawful use of a recorded brand or stamp is classified as a misdemeanor of the second degree.¹

The practice of using timber and lumber brands or stamps is no longer used by the industry. Therefore, the bill repeals these provisions from statute.

The bill does not appear to have a fiscal impact on state or local governments.

¹ S. 775.082, F.S. or 775.083, F.S., punishable by not more than 60 days imprisonment and not more than a \$500 fine.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Chapter 536, F.S., regulates the use of timber and lumber brands and stamps.

Section 536.13, F.S., permits a person involved in the timber and lumber business to adopt a brand or stamp of their design to identify their saw logs.

Section 536.14, F.S., permits a person to make a declaration of an adopted brand or stamp to authorized officers and clerks of the court in any county where their logs may be owned or in their possession.

Section 536.15, F.S., enables any person to prevent the use of their brand or stamp by others in any county where their brand has been recorded.

Section 536.16, F.S., provides that any log found in a county with a record of its brand or stamp, is deemed the property of the brand or stamp owner.

Section 536.17, F.S., clarifies that if two or more identical or substantially identical brands or stamps are recorded in the same county, only the first recorded brand or stamp is legal.

Section 536.18, F.S., provides that tampering with legally recorded brands or stamps and fraudulently marking or stamping lumber with the intent to claim it as their own or to prevent identification by the actual owner is considered larceny.

Section 536.19, F.S., provides that any unlawful use of a recorded brand or stamp is classified as a misdemeanor of the second degree.²

Effect of Proposed Changes

The practice of using timber and lumber brands or stamps is no longer used by the timber industry. Therefore, the bill is repealing ch. 536, F.S.

B. SECTION DIRECTORY:

Section 1: Repeals sections 536.13, 536.14, 536.15, 536.16, 536.17, 536.18, and 536.19, F.S.

Section 2: Provides an effective date of July 1, 2011.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

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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:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES