

STORAGE NAME: h0591.ca
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**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS**

BILL #: HB 591 (PCB TR 99-02)
RELATING TO: Transportation Code/Technical Revisions
SPONSOR(S): Committee on Transportation and Rep. K. Smith
COMPANION BILL(S): SB 1314(s); HB 579(c); SB 1578 (s)
ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:
(1) TRANSPORTATION YEAS 8 NAYS 0
(2) COMMUNITY AFFAIRS
(3) FINANCE & TAXATION
(4)
(5)

I. SUMMARY:

This bill is a result of a 1997 State Government Function/Activity Review Interim Project directive to identify obsolete or incorrect statutory language relating to transportation issues. As such, the bill removes obsolete language, corrects cross references, and otherwise, makes a number of technical, but important, changes to certain existing transportation laws. These changes are accomplished through revising, reenacting, and amending various relevant provisions of existing Florida law.

The bill has no substantive or fiscal impact since the changes are technical in nature.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

On November 17, 1997, the Speaker of the Florida House of Representatives directed House committees to perform several activities relating to the State Agency Function/Activity Review and Prioritization Project. Statutory provisions relating to the operations of Department of Transportation (DOT) were reviewed to determine whether they were consistent with the agency's mission.

As part of the project, staff was instructed to identify statutes that are obsolete or in need of technical revision. During the review several statutory provisions were found to have incorrect and obsolete references.

In January 1998, a report was issued in response to the Speaker's directive for the House Committee on Transportation. As part of the Transportation Committee's report, a proposed committee bill was prepared to make technical changes to the state statutes governing transportation issues. During the 1998 Session, the proposed committee bill became House Bill 4199 and was passed by the House, but died on the Senate Calendar.

B. EFFECT OF PROPOSED CHANGES:

HB 591 (PCB TR 99-02) revises, reenacts, and amends various provisions of the Florida Statutes relating to transportation to delete obsolete language, to correct cross-references, to make grammatical corrections, and to make other technical changes to the state statutes governing transportation issues.

Because the changes are technical in nature, the bill has no substantive impact. This bill contains the same provisions as HB 4199 from the 1998 Session except that certain sections have been deleted where the technical corrections were made in legislation that did become law in 1998.

For detailed descriptions of the technical changes, see the "Section-by-Section Analysis" below.

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?

N/A

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

N/A

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

N/A

b. If an agency or program is eliminated or reduced:

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

N/A

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

N/A

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

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

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

N/A

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

N/A

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

N/A

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

N/A

3. Personal Responsibility:

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

N/A

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

N/A

4. Individual Freedom:

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

N/A

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

N/A

5. Family Empowerment:

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

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

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

N/A

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

N/A

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

N/A

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?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Chapters 20, 206, 234, 288, 311, 331, 334 - 339, 341, 343, 348, 349, 378, 427, 479, and 951, F.S.
(See Section by Section Analysis for detailed list).

E. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends s. 20.23, F.S., to correct a statutory cross reference.

Section 2. Amends s. 206.46, F.S., to correct a statutory cross reference.

Section 3. Repeals s. 234.112, F.S., to eliminate duplication of s. 234.012 (12)(c), F.S.

Section 4. Amends s. 288.9607, F.S., to correct a statutory cross reference.

Section 5. Amends s. 311.09, F.S., to delete an obsolete date reference.

Section 6. Amends s. 331.303, F.S., to change a reference to an abolished council to a reference to Enterprise Florida, Inc.

Section 7. Amends s. 331.305, F.S., to correct a reference to the title of chapter 607, F.S.; to delete a reference to an obsolete report requirement; and to delete a reference to obsolete bond restrictions.

Section 8. Amends s. 331.308, F.S., to delete a reference to obsolete initial appointment requirements.

Section 9. Amends s. 331.331, F.S., to delete a reference to obsolete bond restrictions.

Section 10. Amends s. 334.03, F.S., to delete an obsolete reference to a repealed statutory section.

Section 11. Amends s. 335.074, F.S., to delete a reporting requirement which was part of an agency annual report; the requirement for this annual report was repealed in 1994.

Section 12. Repeals s. 335.165, F.S., which is an obsolete provision relating to budgeting for improvements to Welcome Stations by the Department of Commerce. The Department of Commerce has been abolished, and s. 335.166, F.S., sets up the Welcome Station Office within DOT.

Section 13. Amends s. 335.182, F.S., to delete an obsolete date reference.

Section 14. Amends s. 335.188, F.S., to delete obsolete date references.

Section 15. Reenacts s. 336.01, F.S. to incorporate a change made by statutory revision editors.

Section 16. Amends s. 336.044, F.S., to delete an obsolete date reference; and to delete an obsolete reporting requirement.

Section 17. Amends s. 337.015, F.S., to delete a reporting requirement which was a part of a agency annual report; the requirement for this annual report was repealed in 1994.

Section 18. Amends s. 337.139, F.S., to delete an obsolete reporting requirement.

Section 19. Amends s. 337.29, F.S., to correct statutory cross references.

Section 20. Repeals s. 137 of Chapter 96-320, Laws of Florida, to delete an obsolete requirement related to utility relocation cost write-offs.

Section 21. Amends s. 337.407, F.S., to correct an internal reference.

Section 22. Amends s. 338.22, F.S., to correct a statutory cross reference.

Section 23. Amends s. 338.221, F.S., to correct statutory cross references; and to reenact subsection (8) to incorporate a change made by statutory revision editors.

Section 24. Reenacts s. 338.222, F.S., to incorporate a change made by statutory revision editors.

Section 25. Amends and reenacts s. 338.223, F.S., to incorporate a change made by statutory revision editors in subsection (1); and to correct a statutory cross reference.

Section 26. Amends s. 338.225, F.S., to correct a statutory cross reference.

Section 27. Amends s. 338.227, F.S., to correct statutory cross references.

Section 28. Amends s. 338.228, F.S., to correct statutory cross references.

Section 29. Amends s. 338.229, F.S., to correct statutory cross references.

Section 30. Amends s. 338.231, F.S., to correct statutory cross references.

Section 31. Amends s. 338.232, F.S., to correct a statutory cross reference.

Section 32. Amends s. 338.239, F.S., to correct statutory cross references.

Section 33. Amends s. 339.08, F.S., to correct a statutory cross reference.

Section 34. Repeals s. 339.091, F.S., to delete an obsolete program created in 1971.

Section 35. Reenacts subsection (7)(e) of s. 339.135, F.S., to incorporate a change made by statutory revision editors.

Section 36. Repeals s. 339.145, F.S., to delete authorization for a trust fund that is no longer needed; and repeals s. 339.147, F.S., to delete an obsolete provision for DOT reimbursement of Auditor General audit expenses.

Section 37. Amends s. 339.175, F.S., to correct a statutory cross reference.

Section 38. Amends s. 339.2405, F.S., to delete an obsolete reporting requirement.

Section 39. Amends s. 339.241, F.S., to change a reference to a repealed Florida Statute to a reference of a U.S. Code provision relating to certain definitions.

Section 40. Amends s. 341.051, F.S., to delete an obsolete requirement for providing the Legislature with certain documents; and to clarify the applicability of a definition provided at the end of the section.

Section 41. Reenacts subsection (1) of s. 341.321, F.S., to incorporate changes made by statutory revision editors.

Section 42. Amends s. 341.3333, F.S., to correct a statutory cross reference.

Section 43. Amends s. 341.352, F.S., to delete a reference to the Department of Commerce which was abolished; and to provide authorization for Enterprise Florida to participate in High Speed Rail certification proceedings.

Section 44. Amends s. 343.64, F.S., to delete an obsolete date reference.

Section 45. Amends s. 343.74, F.S., to delete an obsolete date reference.

Section 46. Amends s. 348.0005, F.S., to correct a scrivener's error.

Section 47. Amends s. 348.0009, F.S., to correct a statutory cross reference.

Section 48. Amends s. 348.248, F.S., to correct a statutory cross reference.

Section 49. Amends s. 348.948, F.S., to correct a statutory cross reference.

Section 50. Amends s. 349.05, F.S., to correct an internal cross reference.

Section 51. Amends 378.411, F.S., to delete provisions related to DOT being certified by the Department of Environmental Protection to receive and review notices of intent to mine; these provisions are no longer needed.

Section 52. Amends s. 427.012, F.S., to change a reference to the "Department of Health and Rehabilitative Services" representative on the Commission for the Transportation Disadvantaged to a representative for the "Department of Children and Family Services."

Section 53. Amends s. 427.013, F.S., to make a grammatical correction.

Section 54. Amends s. 479.01, F.S., to correct an internal cross reference.

Section 55. Amends s. 951.05, F.S., to delete a reference to DOT's "Division of Road Operation" which has been abolished.

Section 56. Effective Date: July 1 of the year in which the bill is enacted.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None

2. Recurring Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

4. Total Revenues and Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None

2. Recurring Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None

2. Direct Private Sector Benefits:

None

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 or municipalities to expend funds or take 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 a state tax shared with counties or municipalities.

V. COMMENTS:

None

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None

VII. SIGNATURES:

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