

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 846

SPONSOR: Senator McKay

SUBJECT: Reviser's Bill - Judicial Holdings

DATE: February 10, 1999 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Pollitz (Stat. Rev.)</u>	<u>Kassack</u>	<u>RC</u>	<u>Favorable</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

The Division of Statutory Revision of the Office of Legislative Services is required, by statute, to conduct a systematic and continuing study of the Florida Statutes. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes; improve clarity and facilitate correct interpretation; correct grammatical and typographical errors; and delete obsolete, repealed, or superseded provisions. These recommendations are submitted to the Legislature in the form of technical, nonsubstantive reviser's bills. A reviser's bill cannot be amended except to delete a bill section.

This reviser's bill deletes provisions that have been held invalid by a court of last resort.

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: ss. 44.102, 794.03, and 838.15.

Section 44.102(6) is repealed to conform to the holding of the Florida Supreme Court in *Knealing v. Puleo*, 675 So.2d 593 (Fla. 1996), that the time requirements set forth in s. 44.102(6) are unconstitutional as an intrusion upon the rulemaking authority of the Supreme Court.

Section 794.03 is repealed to conform to the holding of the Florida Supreme Court in *State v. Globe Communications Corporation*, 648 So.2d 110 (Fla. 1994), affirming the district court's decision holding s. 794.03 facially invalid under the free speech and free press provisions of both the United States and Florida Constitutions.

Section 838.15 is repealed to conform to the holding of the Florida Supreme Court in *Roque v. State*, 664 So.2d 928 (Fla. 1995), that s. 838.15 is invalid as impermissibly vague and subject to arbitrary application.

II. Present Situation:

The Division of Statutory Revision, under the authority and requirements of s. 11.242(5)(i), Florida Statutes, must remove by reviser's bill provisions of the statutes that have been held invalid by a court of last resort.

III. Effect of Proposed Changes:

The effect of this bill is technical only; reviser's bills do not contain substantive changes. The bill will delete sections that have been held unconstitutional by a court of last resort.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Does not raise any constitutional issues; only effect is to delete provisions previously subjected to constitutionality challenges in the courts and invalidated by a court of last resort.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
