

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: CS/SB 1742

SPONSOR: Committee on Banking and Insurance and Senator McKay

SUBJECT: Florida Statutes

DATE: March 14, 2000 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Johnson</u>	<u>Deffenbaugh</u>	<u>BI</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>RC</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

Various statutory provisions have become obsolete because they have already had their effect, served their purpose, or they have been repealed or superseded. This bill would delete or repeal obsolete provisions relating to the Department of Banking and Finance, and other areas and makes necessary updates to cross-references rendered obsolete by this bill.

The committee substitute: 1) eliminates the repeal of sections of ch. 159, F.S., relating to the Department of Commerce, which was abolished, since these provisions are addressed in SB 980, a Reviser's Bill, 2) eliminates the deletion of certain legislative intent provisions in s. 497.002, F.S., relating to the need for the regulation of funeral and cemetery services; and 3) repeal s. 620.9901, F.S., relating to the applicability of the Revised Uniform Partnership Act since these sections are outdated.

This bill substantially amends the following sections of the Florida Statutes: 288.99, 494.0017, 494.008, 220.03, 655.057, 657.001, 657.002, 657.005, 657.008, 657.021, 657.026, 657.031, 657.039, 657.0315, 657.038, 657.043, 657.062, 657.063, 657.064, 657.065, 657.066, 657.086, and 716.02. The bill repeals the following sections of the Florida Statutes: 495.171, subsections (1) and (3) of s. 620.9901, 622.01, 622.02, 622.03, 622.04, 622.05, 622.06, 622.07, 657.067, 657.25, 657.251, 657.252, 657.253, 657.254, 657.256, 657.257, 657.258, 657.259, 657.260, 657.261, 657.262, 657.263, 657.264, 657.265, 657.266, 657.267, 657.268, 657.269, and 717.137, Florida Statutes.

II. Present Situation:

During the 1999-2000 legislative session interim, staff of the House of Representatives reviewed each chapter of the five volumes of the Florida Statutes to find provisions which were outdated or obsolete. Upon completion of the first draft, staff of Senate counterpart committees reviewed the work product to further refine the sections identified. The final list of some one thousand original

sections of Florida law contained an identification of statutory sections which shared one or more of the following characteristics:

1. A reference to a dormant board, council or other non-governing authority;
2. A provision rendered obsolete due to the passage of time.
3. A requirement which was nonrecurring due to the completion of the activity;
4. A statement of legislative intent, findings or purpose so generalized as to provide no specific interpretive guidance on the context or particularity of the statute or its application;
5. A cross-reference to another section which was otherwise repealed;
6. The use of boilerplate language, such as a severability clause, which is assumed as part of legislative style and drafting or of judicial interpretation;
7. The creation of a short title, or popular name, unrelated to the purpose of the statute;
8. The use of archaic language or descriptions.
9. A redundancy in text or reference no longer needed.

III. Effect of Proposed Changes:

Section 1. Section 288.99, F.S., established the Certified Capital Company program (CAPCO) to provide a financial incentive for venture capital investments by creating tax credits for insurance companies investing in an entity known as a certified capital corporation. The application process and subsequent certification process was established for a time specific period which has expired. The repealed provisions of this section relate to that process and the retained provisions of the statutes provide current requirements coverage for those CAPCO applicants that have been certified to operate. The section is also amended to retain, but relocate, the requirement that CAPCOs to be registered and maintain an active status with the Department of State.

Section 2. Section 494.0017, F.S., is amended to refer to “former” s. 494.00171, F.S., and recognize the need for continuing transfer authority of funds from the Regulatory Trust Fund to pay outstanding claims under the Mortgage Brokerage Guaranty Fund. Section 494.00171, F.S., which provided for assessments against mortgage brokers and other licensees for a time certain, which has passed, is repealed in Senate Bill 980, a Reviser's Bill.

Section 3. Section 494.008, F.S., is amended to update an obsolete cross-reference relating to administrative penalties and fines for the illegal sale of mortgage loans under s. 494.008, F.S. The outdated cross-reference refers to a repealed section.

Section 4. This section repeals s. 495.171, F.S., which provides an effective date of October 1, 1967, and that suits pending at the time of the enactment of ch. 495, F.S., (Registration of Trademarks and Service Marks) are not affected by the enactment. No suits at the time of enactment are still pending.

Section 5. This section repeals subsections (1) and (3) of s. 622.9901, F.S., relating to the applicability of the Revised Uniform Partnership Act, since these provisions are outdated.

Section 6. This section repeals chapter 622, F.S., which governs foreign unincorporated associations. Since the chapter's enactment in 1947, no such associations have been in existence in Florida.

Section 7. This section amends s. 220.03(1)(e), F.S., by removing a reference to ch. 622, F.S., which is repealed by Section 7 of this bill.

Section 8. This section repeals a time-specific, one-year moratorium in s. 657.067, F.S., against the conversion of a federally chartered credit union into a state chartered credit union.

Section 9. Part II of chapter 657, F.S., was created to establish the Florida Credit Union Guaranty Corporation for the purpose of protecting the financial interests of credit union share holders until such time as the credit unions could convert to a federally insured program for that purpose. This section repeals part II of ch. 657, F.S., because all of the state's credit unions have converted from private share insurance to the federal program and the guaranty corporation was dissolved on the statutorily prescribed date.

Sections 10 through 27. These sections eliminate references to the Credit Union Guaranty Corporation and the repealed part II of ch. 657, F.S.

Section 28. Section 716.02, F.S., provides for the disposition of certain money or property that was in the custody of a United States court for a period of 4 years commencing June 16, 1947. That time-frame has expired and section 38 of this bill repeals that section, a reference to that section and renumbers the subsequent subsections.

Section 29. Section 717.137, F.S., provides that the reporting requirements for abandoned property effective July 1, 1987, apply to any abandoned property presumed abandoned during a 10-year period preceding July 1, 1987. Since reporting requirements have been in effect in excess of the 10-year capture period which preceded the initial reporting date, this section is no longer needed, and is repealed by this section of the bill.

Section 30. This section provides that the act shall take effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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.
