

# 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 1756

SPONSOR: Senator McKay

SUBJECT: Florida Statutes; Repealing Obsolete Statutory Provisions

DATE: March 28, 2000

REVISED: \_\_\_\_\_

|    | ANALYST        | STAFF DIRECTOR | REFERENCE | ACTION                  |
|----|----------------|----------------|-----------|-------------------------|
| 1. | <u>Rhea</u>    | <u>Wilson</u>  | <u>GO</u> | <u>Fav/2 amendments</u> |
| 2. | <u>Maclure</u> | <u>Maclure</u> | <u>CM</u> | <u>Favorable</u>        |
| 3. | _____          | _____          | <u>RC</u> | _____                   |
| 4. | _____          | _____          | _____     | _____                   |
| 5. | _____          | _____          | _____     | _____                   |

## I. Summary:

This bill repeals various statutory provisions that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded. The bill repeals or deletes provisions relating to funds appropriated prior to the effective date of provisions requiring a portion of construction funds to be set aside for acquisition and display of art in newly constructed state buildings; the use of certain funds by the Department of State for historic preservation purposes of the City of St. Augustine; the appropriation of certain funds by the Department of State to not-for-profit organizations established to advance historic preservation in Tallahassee and the Florida Keys; plans for the disposition, development, and the operation of foreign offices; certification of the professional golf hall of fame facility; appointments to the Florida Commission on Tourism; a review and report on the Florida Commission on Tourism and its direct-support organization; duties of the Florida Commission on Tourism with respect to its marketing plan; and firesafety requirements for public lodging establishments for which construction contracts were let prior to October 1, 1983.

This bill amends the following sections of the Florida Statutes: 267.171, 267.172, 288.012, 288.1168, 288.1223, and 288.1224.

This bill repeals the following sections of the Florida Statutes: 255.043(4) and 509.215(3) and (4).

## 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 that 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 1,000 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 that 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.

Section 255.043, F.S., requires each appropriation for the original construction of a state building which provides public access to include an amount of up to 0.5 percent of the total appropriation for the construction of the building, not to exceed \$100,000, to be used for the acquisition of works of art produced by, but not limited to, Florida artists or craftspersons. These works must be displayed for viewing in public areas in the interior of the building or on its grounds.

State agencies that receive appropriations for original construction must notify the Florida Arts Council and the user agency of any construction projects that are eligible under the provisions of the section. The Department of Management Services, the Board of Regents, or other state agency is to determine the amount to be made available for purchase or commission of works of art for each project and must report these amounts to the Florida Arts Council and the user agency. Payments are made from funds appropriated for fixed capital outlay.

The selection of artists or craftspersons is the responsibility of the user agency, but final approval of recommendations for the purchase of or commission of works of art must be consistent with rules regulating the art selection process.

Section 267.171, F.S., requires the Department of State to contract with the City of St. Augustine for the management of the various state-owned properties presently managed by the Historic St. Augustine Preservation Board of Trustees. The section requires the contract to provide that the City of St. Augustine may use all proceeds derived from the management of state-owned properties for the purpose of maintaining the state-owned buildings and advancing historic preservation in the city. Further, it authorizes the department to appropriate all remaining funds in the Historic St. Augustine Preservation Board Operating Trust Fund to the city for maintenance of the building and advancing historic preservation. The section authorizes the department to transfer ownership and responsibility to artifacts, documents, equipment, and other tangible personal property to the city to assist in the transition of the management of state-owned properties. It also authorizes the department to use the unexpended balance of up to \$500,000 in general revenue funds, as provided in the 1997-1998 General Appropriations Act, to enter into contracts with the city to continue the operations and maintenance of historic properties.

Section 267.172, F.S., authorizes the Department of State to contract with not-for-profit corporations established for the purpose of advancing historic preservation in Tallahassee and the Florida Keys to manage various state-owned properties presently managed by the Historic

Tallahassee Preservation Board of Trustees and the Historic Florida Keys Preservation Board of Trustees. The provision contains contract requirements and authorizes the not-for-profit corporations to use all proceeds derived from the management of state-owned buildings and for advancing historic preservation. The provision authorizes the department to appropriate all remaining funds in the Historic Florida Keys Preservation Board Operating Trust Fund and the Historic Tallahassee Preservation Board Operating Trust Fund to the not-for-profit corporations for their use.

Section 288.012(1)(c), F.S., requires the Office of Tourism, Trade, and Economic Development (OTTED) to develop a plan for the disposition of the current foreign offices and the development and location of additional foreign offices by September 1, 1997. Subsection (2) imposes a June 30, 1998, deadline for each foreign office to have in place an operational plan, a copy of which must be provided to OTTED.

Section 288.1168, F.S., relates to the professional golf hall of fame facility and provides that the Department of Commerce serves as the state agency for screening applicants for state funding. It also requires the Department of Commerce to determine specific factors regarding the eligibility of a facility. The Department of Commerce is no longer a department as of December 31, 1996. In 1998, the World Golf Village/World Golf Hall of Fame in St. Johns County was certified under this statute.

Section 288.1223, F.S., creates the Florida Commission on Tourism in the Office of Tourism, Trade, and Economic Development. The purpose of the commission is to oversee the state's efforts to increase the positive impact of tourism, including increased employment for state citizens, to all sectors of the economy through effective marketing activities; to continually upgrade the image of Florida as a quality destination; to promote tourism objectives with all geographic, socioeconomic, and community sectors considered equitable; and to judge its efforts by the same standards of accountability and integrity as those used by successful, respected private sector businesses. Initial appointments to the commission were required to be made by no later than July 31, 1996.

Section 288.1224, F.S., provides powers and duties of the Florida Commission on Tourism. It also contains a requirement that the Office of Tourism, Trade, and Economic Development contract with a private not-for-profit corporation by no later than December 31, 1996, to perform certain functions. Further, the section requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a review of the commission and its direct-support organization prior to the 2000 Regular Session of the Legislature. Another review is required to be performed prior to the 2003 Regular Session.

Section 509.215(3), F.S., relates to firesafety equipment for public lodging establishments for which construction contracts were let before October 1, 1983. The section requires the Division of State Fire Marshal to prescribe uniform standards for firesafety equipment for these establishments. Further, it requires an entire building to be equipped as outlined not later than October 1, 1989, except that the sprinkler system may be delayed until October 1, 1991, on a schedule for complete compliance. The entire system is required to be installed by October 1, 1994. Section 509.215(4), F.S., authorizes the division to waive provisions for installation of single-station smoke detectors required in subsection (1) and subparagraph (2)(b)4.,

for any establishment for which the construction contract was let before October 1, 1983, and which is under three stories in height, if each individual guest room is equipped with a smoke detector approved by the division and the schedule for compliance is not later than October 1, 1986.

### **III. Effect of Proposed Changes:**

The bill repeals s. 255.043(4), F.S., relating to funding for art in the original construction of a state building. Specifically, the provision repeals subsection (4), which provides that the section does not apply if funds were appropriated prior to July 1, 1979.

The bill amends s. 267.171, F.S., to delete a provision authorizing the Department of State to appropriate remaining funds in the Historic St. Augustine Preservation Board Operating Trust Fund to the City of St. Augustine for maintenance of the state owned buildings and advancing historic preservation in the City of St. Augustine. It also amends the section to delete a provision authorizing the Department of State to use the unexpended balance of up to \$500,000 in general revenue funds, as provided in the 1997-1998 General Appropriations Act, for the St. Augustine Preservation Board to enter into contracts with the City of St. Augustine to continue the operations and maintenance of historic properties.

The bill amends s. 267.172, F.S., to delete a provision authorizing the Department of State to appropriate all remaining funds in the Historic Florida Keys Preservation Board Operating Trust Fund and the Historic Tallahassee Preservation Board Operating Trust Fund to not-for-profit corporations that have contracted to the department to maintain historic properties.

The bill amends subsections (1), (2), and (5) of s. 288.012, F.S., to delete a requirement that the Office of Tourism, Trade, and Economic Development develop a plan for the disposition of current foreign offices and the development and location of additional foreign offices by September 1, 1997. It also deletes a reference to a June 30, 1998 deadline for having in place an operational plan for each foreign office, while retaining the requirement that foreign offices have operational plans. The bill also eliminates a reference to paragraph (1)(c) of s. 288.012, F.S., which refers to the disposition and development of a plan for foreign offices which was required to be completed by September 1, 1997, and which paragraph is repealed by the bill.

The bill amends s. 288.1168, F.S., to delete references to the Department of Commerce related to the golf hall of fame facility. The Office of Tourism, Trade, and Economic Development (OTTED) has authority under s. 288.1162(1), F.S., to serve as the state agency for screening applicants for state funding pursuant to s. 212.20(5)(f)5., F.S.

The bill amends s. 288.1223, F.S., to delete a date relating to an initial appointment to the Florida Commission on Tourism that must be made by no later than July 31, 1996.

The bill amends s. 288.1224, F.S., to delete the date in a provision that requires that the Office of Tourism, Trade, and Economic Development (OTTED) contract with a private not-for-profit corporation by no later than December 31, 1996. It also deletes a paragraph that requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a review of the Florida Commission on Tourism and its direct-support organization prior to the

2000 Regular Session of the Legislature. The bill also amends a provision that requires OPPAGA to conduct a review of the Commission on Tourism prior to the 2003 Regular Session of the Legislature to provide standards regarding the review. Specifically, the review is required to be comprehensive in scope and must specifically determine the progress of the commission toward achieving established outcomes; the circumstances contributing to the organization's ability to achieve, not achieve, or exceed its established outcomes; and whether it would be sound public policy to continue or discontinue funding the organization, and the consequences of discontinuing the organization.

The bill repeals ss. 509.215(3) and (4), F.S. Subsection (3) authorizes the Division of State Fire Marshal to prescribe uniform standards for firesafety equipment for public lodging establishments for which construction contracts were let prior to October 1, 1983. Subsection (4) authorizes the division to waive requirements for smoke-detectors for establishments for which the construction contract was let before October 1, 1983. According to the Department of Insurance, all of these establishments must now comply with the requirements of subsection (2) of s. 509.215, F.S.

The bill specifies that the act shall take effect upon becoming a 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:**

Indeterminable.

##### **C. Government Sector Impact:**

Some cost savings may be associated with removing some portions from the Florida Statutes, though the adoption of new laws may offset any cost reduction experienced from repeals.

Section 267.171, F.S., authorizes the Department of State to appropriate all remaining funds in the Historic St. Augustine Preservation Board Operating Trust Fund to the city for maintenance of the building and advancing historic preservation. It also authorizes the department to use the unexpended balance of up to \$500,000 in general revenue funds, as provided in the 1997-1998 General Appropriations Act, to enter into contracts with the city to continue the operations and maintenance of historic properties. Section 267.172, F.S., provides similar authorization regarding remaining funds in the Historic Florida Keys Preservation Board Operating Trust Fund and the Historic Tallahassee Preservation Board Operating Trust Fund. The Department of State has advised committee staff that the funds remaining in the Historic Preservation Board Operating Trust Funds for Key West, Tallahassee, and St. Augustine were never transferred and that the funds are necessary for maintenance. Budget amendments to transfer the funds have been prepared and filed. The amount remaining in each trust fund is as follows:

| OPERATING TRUST FUND                      | AMOUNT REMAINING |
|-------------------------------------------|------------------|
| Historic Key West Preservation Board      | \$ 22,000        |
| Historic Tallahassee Preservation Board   | \$ 68,000        |
| Historic St. Augustine Preservation Board | \$ 80,000        |

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

#1 by Governmental Oversight and Productivity:

Changes the effective date of Section 2 of the bill so that s. 267.171, F.S., is not repealed until October 1, 2001. This delay will give the Department of State the opportunity to appropriate remaining funds in a historic preservation trust fund for maintenance of historic buildings.

#2 by Governmental Oversight and Productivity:

Changes the effective date of Section 3 of the bill so that s. 267.172, F.S., is not repealed until October 1, 2001. This delay will give the Department of State the opportunity to appropriate remaining funds in a historic preservation trust fund for maintenance of historic buildings.