

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 1758

SPONSOR: Senator McKay

SUBJECT: The Florida Statutes

DATE: March 16, 2000

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|------------------|----------------|-----------|------------------|
| 1. | <u>McAuliffe</u> | <u>Meyer</u> | <u>TR</u> | <u>Favorable</u> |
| 2. | _____ | _____ | <u>RC</u> | _____ |
| 3. | _____ | _____ | _____ | _____ |
| 4. | _____ | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ | _____ |

I. Summary:

The House of Representatives and Senate Committees on Transportation reviewed transportation related provisions of the Florida Statutes to identify those sections that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded. This bill is the result of those efforts.

This bill substantially amends sections 20.23, 316.550, 321.05, 332.115, 339.081, 339.135, and 479.27; and repeals sections 74.121, 315.14, 316.540, 331.352, 324.04, 332.10, 335.03, 336.11, 344.01, 344.08, of the 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of Representatives reviewed each chapter of the five volumes of the Florida Statutes to find provisions which were outdated or obsolete.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 A cross-reference to another section which was otherwise repealed;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.

This bill is the product of the House of Representatives and Senate's Committee on Transportation review of transportation related provisions of the Florida Statutes which identified those sections that meet the above requirements.

III. Effect of Proposed Changes:

Paragraph (e) of subsection (3) of s. 20.23, F.S., is amended to remove specific directions for the DOT to implement certain internal management tools by December, 1990.

Section 74.121, F.S., is repealed to remove an obsolete reference related to the applicability of Chapter 74 to supplemental proceedings in eminent domain filed after October 1, 1965.

Section 315.14, F.S., is repealed to remove an obsolete reference related to a declaration of public purposes regarding port financing.

Section 316.540, F.S., is repealed to remove an obsolete reference related to weight provisions for pre-1949 heavy trucks.

Paragraph (d) of subsection (9) of s. 316.550, F.S., is amended to conform to the repeal of s. 316.540, F.S.

Paragraph (b) of subsection (6) of s. 321.05, F.S., is repealed to remove an obsolete reference to expiration of authority for the Florida Highway Patrol to adopt safety rules.

Section 331.352, F.S., is repealed to remove an obsolete reference related to the applicability of powers of the Spaceport Florida Authority.

Section 332.04, F.S., is repealed to remove an obsolete reference related to validation of local governmental acquisition of property by airports. This provision is duplicative and is covered by s. 332.03, F.S.

Section 332.10, F.S., is repealed to remove an obsolete reference related to airports on water bottoms. This provision has been superseded by a subsequent statutory declaration that public waters and underlying lands are the exclusive domain of the state.

Subsection (4) of s. 332.115, F.S., is repealed to remove an obsolete reference related to plans to build the port to port corridor in Orange and Brevard Counties for passenger and freight purposes. Public opposition halted the project in 1992.

Section 335.03, F.S., is repealed to remove an obsolete reference related to DOT recommending to the federal government routes of the national system of interstate highways. The Interstate System has been completed.

Section 336.11, F.S., is repealed to remove an obsolete reference related to county authority to abandon roads. County authority to abandon roads is covered in s. 336.09, F.S.

Subsection (2) of s. 339.081, F.S., is repealed to remove an obsolete reference to a repealed trust fund, (see section 102, Chapter 99-385, Laws of Florida).

Subparagraph 3. of paragraph (b) of subsection (4) of s. 339.135, F.S., is repealed to remove an obsolete reference related to tentative work program requirements for right-of-way bond proceeds. In 1996 the Legislature deleted the requirement that a majority of right-of-way bond proceeds be used to support construction phases planned 3-4 years from the date of acquisition and also deleted the requirement that the remaining portion be spent to support construction phases a minimum of 5 years from acquisition.

Section 344.01, F.S., is repealed to remove obsolete language enacted in 1929 declaring that all roads, highways and bridges built prior to June 21, 1929 are beneficial and will continue to be beneficial to state.

Section 344.08, F.S., is repealed to remove obsolete language which provides that all outstanding road and bridge bonds as of June 21, 1929 are obligations of issuing counties.

Subsection (4) of s. 479.27, F.S., is repealed to remove an obsolete reference related to an outdoor advertising report which was submitted by DOT to the Legislature as required.

This bill provides that the act takes 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.
