

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 1760

SPONSOR: Senator McKay

SUBJECT: Obsolete, Expired, or Repealed Provisions of Law

DATE: March 20, 2000

REVISED: 03/21/00 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Barnes</u>	<u>Whiddon</u>	<u>CF</u>	<u>Fav/3 Amendments</u>
2.	_____	_____	<u>ED</u>	_____
3.	_____	_____	<u>RC</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

A review was conducted of Florida Statutes using criteria to identify provisions that have expired (a certain due date or implementation date that has passed) or are obsolete because they have outlived their operational usefulness, a program is no longer funded or other statutes supersede.

SB 1760 repeals or amends provisions of Florida Statutes and Laws of Florida relating to various programs and services that were identified as meeting the above criteria and are under the jurisdiction of the Department of Children and Family Services, Department of Health, Department of Education, or the former Department of Health and Rehabilitative Services. These service areas include: substance abuse, drug testing and screening, electronic benefit transfer program, prevention and early childhood services, child care, local work experience and job training, social service organizational review, and contracting functions.

This bill amends sections 430.204, 409.942, 397.901, 411.01, 411.222, 230.2303, 383.14, 391.304, 402.281, 402.305, 402.45, 402.3052, 402.47, 411.221, 414.70, of the Florida Statutes, repeals sections 397.94(2)(a)(3), 402.175, 402.3058, 402.33(10)(a), 402.72(3), 409.501, 409.502, 409.503, 409.504, 409.505, 409.506, 411.204, 411.232(4)(5), 414.35, 414.38(10), of the Florida Statutes, and section 28 of chapter 96-403, Laws of Florida.

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of Representatives reviewed each chapter of the five volumes of the Florida Statutes to find provisions which were outdated or obsolete.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; or
9. A redundancy in text or reference no longer needed;

The statutory provisions contained in SB 1760 include the following:

1. Section 397.94 (2) and (3)(a), F.S., relates to the implementation of children's substance abuse information and referral network and its integration with children's mental health information and referral network contained in s. 394.4985, F.S. These provisions, created in 1999, require the service districts of the Department of Children and Family Services' to submit a plan no later than October 1, 1999, to the Secretary of the department regarding the integration of the substance abuse services information and referral network with the child and adolescent mental health information and referral network.
2. Section 402.175, F.S., relates to the umbrella trust fund for developmentally disabled and mentally ill persons. This section, created in 1985 and amended subsequently, allows families to deposit funds in a state created trust fund to provide income derived from the funds to meet the needs of the developmentally disabled or mentally ill person.
3. Section 402.3058, F.S., relates to exemption from finger printing requirements for summer camp personnel. This section, created in 1987, exempts summer camp personnel from the fingerprinting requirements of ch. 402, F.S., or ch. 409, F.S., but requires compliance with all other screening requirements.
4. Section 402.33 (10)(a), F.S., relates to the Department of Children and Family Services and the Department of Health reviewing services provided to clients to ensure that fees assessed them conform to law. This section, created in 1975 and amended subsequently, required the Department of Health and Rehabilitative Services (now the Department of Children and Family Services) to begin an orderly review of all services provided to clients to assure that fees assessed conform to provisions of law by August 12, 1983.

5. Section 402.72 (3), F.S., relates to the evaluation of contracting functions in the service districts of the Department of Children and Family Services and reporting to Legislature. This provision, created in 1998, requires the department to evaluate the effectiveness and efficiency of contracting functions in each service district and report to the Legislature by December 15, 1999.

6. Sections 409.501-409.506, F.S., relate to the Florida Financial Assistance for Community Services Act of 1974. These sections, created in 1974, provided procedures for development, establishment, and administration of community service programs to meet the unmet needs of citizens in essential and necessary human resource development programs and activities.

7. Section 430.204 (6), F.S., relates to core services and federal and state funding sources for the community care for the elderly program.

8. Section 409.942 (2) and (3), F.S., relates to the electronic benefit transfer program that was created in 1995, and included that a pilot program be in place by July 1, 1996.

9. Section 411.204, F.S., relates to an independent evaluation of handicap prevention and early childhood assistance program created in 1989. This section requires an evaluation performed by internal evaluators within the Offices of Prevention, Early Assistance, and Child Development of the Department of Education and the Department of Health and Rehabilitative Services.

10. Section 397.901 (2)(c), F.S., relates to prototype juvenile addiction receiving facilities created in 1993. This section required an evaluation of the prototypes 1 year after startup and a 5-year retrospective report.

11. Section 411.01 (5)(d), F.S., relates to school readiness coalitions.

12. Section 411.222, F.S., relates to intraagency and interagency coordination and responsibilities that were created in 1989, requiring intraagency and interagency coordination between the Offices of Prevention, Early Assistance, and Child Development of the Department of Education and the Department of Health and Rehabilitative Services.

13. Section 230.2303 (8)(a), F.S., relates to Florida First Start program.

14. Section 383.14 (1)(b) and (2), F.S., relates to health screening and the State Coordinating Council for Early Childhood Services.

15. Section 391.304 (1)(a), F.S., relates to the State Coordinating Council for Early Childhood Services and the Department of Health.

16. Section 402.281 (3), F.S., relates to the Gold Seal quality child care program and the State Coordinating Council for Early Childhood Services.

17. Section 402.305 (2)(d) and (18), F.S., relates to child care licensure standards and child care technical review panel.

18. Section 402.3052 (1)(b), F.S., relates to child development associate training grants.

19. Section 402.45 (6) and (8), F.S., relates to community resource mother or father program.
20. Section 402.47 (2)(d), F.S., relates to foster grandparent and retired senior volunteer services.
21. Section 411.221, F.S., relates to strategic plan for prevention and early assistance.
22. Section 411.232 (4) and (5), F.S., relates to implementation and evaluation of the Children's Early Investment program. Created in 1989, these provisions require previously named Department of Health and Rehabilitative Services (now the Department of Children and Family Services) to award initial contract for this program by January 15, 1990. In addition, an evaluation was required by January 1, 1991, and biennially thereafter, and a longitudinal report by January 1, 1995, or 5 years after the startup of the prototypes.
23. Section 414.35, F.S., relates to the adoption of rules by the Department of Children and Family Services for administering emergency assistance programs delegated to its jurisdiction. Created in 1978, this section required the department to adopt rules for the emergency assistance program by October 1, 1976.
24. Section 414.38 (10), F.S., relates to evaluation of a local work experience and job training pilot for noncustodial parents. Created in 1995, this provision required the Department of Children and Family Services to conduct an evaluation of the pilot program by June 30, 1999.
25. Section 414.70 (5)(a), F.S., relates to the evaluation of certain drug-testing and drug screening demonstration projects by January 1, 2000.
26. Chapter 96-403 (28), L.O.F., relates to a Board of Regents taskforce reviewing the optimal organizational structure for the delivery of social services.

III. Effect of Proposed Changes:

Section 1. Section 397.94 (2) and (3)(a), F.S., is repealed because the completion date for submitting plans to the Secretary of the Department of Children and Family Services relating to the substance abuse information and referral networks was December 1, 1999. The plans were submitted to the Secretary.

Section 2. Section 402.175, F.S., is considered obsolete because there is no money in the umbrella trust fund for developmentally disabled and mentally ill persons and there has been no activity in the account for years.

Section 3. Section 402.3058, F.S., is being repealed because it is also published under s. 409.1758, F.S., and therefore is considered duplicative.

Section 4. Section 402.33 (10)(a), F.S., is repealed relating to the requirement that upon August 12, 1983, the Department of Children and Family Services and the Department of Health conduct a review of all services provided to clients to assure that fees which are assessed conform to all provisions contained in s. 402.33, F.S.

Section 5. Section 402.72 (3), F.S., is repealed relating to the evaluation of contracting functions in the department service districts. The report to the Legislature was received on December 15, 1999.

Section 6. Sections 409.501-409.506, F.S., are repealed because they have been superseded by ch. 414 F.S., (WAGES), Medicaid, and other more current cash assistance and economic support programs.

Section 7. Section 430.204 (6), F.S., is amended to delete a reference to the Florida Financial Assistance for Community Services Act of 1974 which is no longer in effect.

Section 8. Section 409.942 (2) and (3), F.S., relating to the electronic benefit transfer program that was created in 1995, is amended removing the obsolete provision for a pilot program that was in place on July 1, 1996.

Section 9. Section 411.204, F.S., is repealed because the Offices of Prevention, Early Assistance, and Child Development of the Department of Education and the Department of Health and Rehabilitative Services no longer exist as a result of budget reductions during FY 96-97.

Section 10. Section 397.901 (2)(c)2, F.S., is obsolete because the 1-year evaluation of the prototype juvenile addictions receiving facilities was completed in 1994 and the 5 year retrospective report was completed in 1998.

Section 11. Section 411.01 (5)(d), F.S., is amended to delete a reference to 411.204, F.S., for conforming purposes.

Section 12. Section 411.222, F.S., is amended to remove the reference to the Offices of Prevention, Early Assistance, and Child Development of the Department of Education and the Department of Health and Rehabilitative Services. These offices no longer exist as a result of budget reductions during FY 1996-97.

Section 13. Section 230.2303 (8)(a), F.S., relating to Florida First Start program is amended to remove the reference to the State Coordinating Council for Early Childhood Services which is replaced by School Readiness Programs

Section 14. Section 383.14 (1)(b) and (2), F.S., is amended to correct an outdated reference to the State Coordinating Council for Early Childhood Services which is replaced by School Readiness Programs.

Section 15. Section 391.304 (1)(a), F.S., is amended to correct an outdated reference to State Coordinating Council for Early Childhood Services and replaced by School Readiness Programs.

Section 16. Section 402.281 (3), F.S., is amended to correct an outdated reference to the State Coordinating Council for Early Childhood Services and replaced by School Readiness Programs.

Section 17. Section 402.305 (2)(d) and (18), F.S., is amended to correct an outdated reference to the State Coordinating Council for Early Childhood Services and replaced by School Readiness Programs.

Section 18. Section 402.3052 (1)(b), F.S., is amended to correct an outdated reference to the State Coordinating Council for Early Childhood Services and replaced by School Readiness Programs.

Section 19. Section 402.45 (6) and (8), F.S., is amended to correct an outdated reference to the State Coordinating Council for Early Childhood Services and replaced by School Readiness Programs.

Section 20. Section 402.47 (2)(d), F.S., is amended to remove an outdated reference to the Office of Prevention, Early Assistance and Child Development that no longer exists.

Section 21. Section 411.221, F.S., is amended to remove an outdated reference to the Office of Prevention, Early Assistance and Child Development that no longer exists.

Section 22. Section 411.232 (4) and (5), F.S., relating to the implementation and evaluation of the Children's Early Investment program is repealed because the evaluation of the Children's Early Investment Program was received January 1, 1991.

Section 23. Section 414.35, F.S., relating to the adoption of rules by the Department of Children and Family Services for administering emergency assistance programs is repealed. According to the Department of Children and Family Services, this section of law should not be repealed because it is statutory authority for existing administrative rules.

Section 24. Section 414.38 (10), F.S., relating to the evaluation of local work experience and job training pilot for noncustodial parents is repealed because the evaluation report is completed.

Section 25. Section 414.70 (5)(a), F.S., is amended relating to the evaluation of certain drug-testing and drug screening demonstration projects by removing paragraph (a) because the evaluation was completed on January 1, 2000. Paragraph (5)(b) should be amended to clarify that the affected WAGES coalitions are located in service areas 3 and 8.

Section 26. Chapter 96-403 (28), L.O.F., is repealed because the Board of Regents taskforce completed its work in January 1997.

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:

#1 by Committee on Children and Families:

Deletes the Advisory Council on Adoption which has not been in existence since 1993.

2 by Committee on Children and Families:

Provides that s. 414.35, F.S., concerning emergency assistance programs is not repealed.

3 by Committee on Children and Families:

A technical amendment to s. 414.70(5), F.S., clarifying that the evaluation of the drug-testing and drug-screening program that is due on January 1, 2001, affects service areas 3 and 8.