

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 1764

SPONSOR: Senator McKay

SUBJECT: Obsolete, Expired, or Repealed Provisions of Law

DATE: March 9, 2000

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Munroe</u>	<u>Wilson</u>	<u>HC</u>	<u>Favorable</u>
2.	_____	_____	<u>RC</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This bill repeals various provisions of law relating to the Department of Health that have become obsolete, have had their effect, have served their purpose, or have impliedly repealed or been superseded.

This bill amends the following sections of the Florida Statutes: 381.0203(2), 499.015(1) and (3), 499.024, 499.03(1), 499.04, 499.041, and 499.067(1)(a).

This bill repeals the following sections of the Florida Statutes: 404.22(5)(c), 458.349, 459.024, 461.015, 463.019, 464.0035, 464.023, 468.804, 484.019, 499.003(16) and (28), 499.018, 499.019, 499.02, 499.021, 499.022, and 499.025(5).

The bill repeals s. 103, ch. 97-261, Laws of Florida; s. 2, 98-226, L.O.F.; s. 13, ch. 99-332, L.O.F.; s. 28, ch.99-394, L.O.F.; and ss. 125 and 175, ch. 99-397, L.O. F.

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of Representatives reviewed each chapter of the five volumes of the Florida Statutes to find provisions which were outdated or obsolete.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 A cross-reference to another section which was otherwise repealed;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. Repeals s. 404.22(5)(c), F.S., relating to adoption of a fee schedule for fiscal year 1981-1982 for registration and inspection of radiation machines. The section required the fee schedule for fiscal year 1981-1982 for registration and inspection of radiation machines to be the minimum fee listed in s. 404.22(5)(b)1.- 6., F.S. The fees listed in Administrative Rule 64E-5.511(2), Florida Administrative Code, adopted by the Department of Health are already at the statutory fee cap specified in s. 404.22(5)(b)1.- 6., F.S.

Section 2. Repeals s. 458.349, F.S., providing a savings clause for judicial or administrative proceedings pending on July 1, 1979, held by the Board of Medicine. The section provides that all licenses or certificates valid on (July 1, 1979) the effective date of this act shall remain in full force and effect and shall be applied for and renewed in accordance with this act.

Section 3. Repeals s. 459.024, F.S., providing a savings clause for judicial or administrative proceedings pending on July 1, 1979, held by the Board of Osteopathic Medicine. The section provides that all licenses or certificates valid on (July 1, 1979) the effective date of this act shall remain in full force and effect and shall be applied for and renewed in accordance with this act.

Section 4. Repeals s. 461.015, F.S., providing a savings clause for judicial or administrative proceedings pending on July 1, 1979, held by the Board of Podiatric Medicine. The section provides that each podiatric physician who is duly licensed on June 30, 1979 shall be entitled to hold such license. Such license shall be applied for and renewed in accordance with this act.

Section 5. Repeals s. 463.019, F.S., providing a savings clause for judicial or administrative proceedings pending on October 1, 1986, held by the Board of Optometry. The section provides that all licenses or certificates valid on (October 1, 1986) the effective date of this act shall remain in full force and effect and shall be applied for and renewed in accordance with this act.

Section 6. Repeals s. 464.0035, F.S., relating to the staggering of initial terms for the joint committee which authorized the designated acts of medical diagnosis, treatment, and prescription which an advanced registered nurse practitioner could perform as part of a specialized nursing practice.

Section 7. Repeals s. 464.023, F.S., providing a savings clause for judicial or administrative proceedings pending on July 1, 1979, held by the Board of Nursing. The section provides that

each licensee or holder of a certificate who is duly licensed on June 30, 1979 shall be entitled to hold such license. Such license shall be applied for and renewed in accordance with this act.

Section 8. Repeals s. 468.804, F.S., relating to the Orthotists and Prosthetists Educational Programs Task Force which was required to make recommendation to the Legislature by January 15, 1998.

Section 9. Repeals s. 484.019, F.S., providing a savings clause for judicial or administrative proceedings pending on October 1, 1986, held by the Board of Hearing Aid Specialists. The section provides that all licenses valid on October 1, 1986 shall remain in full force and effect and shall be applied for and renewed in accordance with this act.

Section 10. Repeals ss. 499.003(16) and (28), F.S., providing a definition of the terms “investigational drug” and “technical panel” for purposes of the investigational drug program and the Florida Drug Technical Review Panel ; 499.018, F.S., relating to applications for approval of investigational drugs; and 499.019, F.S., relating to clinical investigations and investigational drugs; 499.02, F.S., relating to the purpose, membership, meetings, records and expenses of the Florida Drug Technical Review Panel; 499.021, F.S., relating to the authority and duties of the technical panel; 499.022, F.S., relating to procedures for approvals and denial of investigational drug applications. The investigational drug program and the Florida Drug Technical Review Panel were created in 1981 to encourage the availability of life-saving investigational drugs to Florida citizens as an alternative to the federal Food and Drug Administration’s drug approval process. According to the staff at the Department of Health the last investigational drug application was submitted to the review panel in 1988 and during intervening years the federal FDA drug approval process has been revamped to be a fast-track process. The Department of Health indicated that the last meeting held by the panel was in November, 1994.

Section 11. Amends s. 381.0203, F.S., relating to pharmacy services administered by the Department of Health, to delete references to an investigational drug program, to conform to the repeal of the investigational drug program in Section 10 of the bill.

Section 12. Amends s. 499.015, F.S., relating to the registration of drugs, devices, and cosmetics, to correct statutory cross-references.

Section 13. Amends s. 499.024, F.S., relating to drug product classification, to delete references to the Florida Drug Technical Review Panel.

Section 14. Amends s. 499.03, F.S., relating to the unlawful possession of new drugs or legend drugs without a prescription, to correct statutory cross-references.

Section 15. Amends s. 499.04, F.S., relating to the Department of Health’s authority to collect fees for drug, device, and cosmetic applications, permits, product registrations, and free-sale certificates, to delete references to the investigational drug program, to conform to the repeal of the investigational drug program in Section 10 of the bill.

Section 16. Amends s. 499.041, F.S., relating to the schedule of fees for drug, device, and cosmetic applications and permits, product registrations, and free-sale certificates, to delete and

revise references to the Department of Health's administration of the investigational drug program to conform to the repeal of the investigational drug program in Section 10 of the bill.

Section 17. Amends s. 499.067(1)(a), F.S., relating to the denial, suspension, or revocation of a permit or registration by the Department of Health, to delete and revise references to the Department of Health's administration of the investigational drug program to conform to the repeal of the investigational drug program in Section 10 of the bill.

Section 18. Repeals s. 499.025(5), F.S., relating to the requirements for drug products in finished, solid, or oral dosage form, which provided that the section applies to any prescription drugs manufactured after January 1, 1982.

Section 19. Repeals s. 103, ch. 97-261, Laws of Florida and s. 2, ch. 98-226, Laws of Florida, relating to the Health Care Practitioner Credentialing Program's task force.

Section 20. Repeals s. 13, ch. 99-332, Laws of Florida, relating to the Task Force on Home Health Services Licensure Provisions. A report was due on or before December 31, 1999.

Section 21. Repeals s. 28, ch. 99-394, Laws of Florida, relating to the study group on certified nursing assistants. The Department of Elderly Affairs was required to submit a report to the Legislature by January 15, 2000.

Section 22. Repeals ss. 125 and 175, ch. 99-397, Laws of Florida, relating to the Task Force for the Study of Collaborative Drug Therapy Management and the Task Force on Telehealth. A report from the Task Force for the Study of Collaborative Drug Therapy Management was due on December 31, 1999 and the Task Force on Telehealth' report was due on January 1, 2000.

Section 23. The bill shall take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Subsections 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

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.
