

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 1782

SPONSOR: Senator McKay

SUBJECT: Repealing Obsolete Statutory Provisions

DATE: March 9, 2000

REVISED: 3/15/00

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rhea	Wilson	GO	Fav/1 amendment
2.			RC	
3.				
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provisions that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded. It repeals provisions relating to the Governor's powers for the year 2000 computer remediation, a report by the Attorney General to the Legislature on the public records mediation program, and the Southern Growth Policies Agreement. It also repeals a provision relating to employer notice of insurance eligibility to employees who retire, the provisions of which are published elsewhere in statute.

This bill amends section 240.209, Florida Statutes.

This bill repeals the following sections of the Florida Statutes: 14.025, 16.60(5), 23.140, and 110.1235.

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of Representatives reviewed each chapter of the five volumes of the Florida Statutes to find provisions which were outdated or obsolete.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 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 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 A cross-reference to another section which was otherwise repealed.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.

Section 14.025, F.S., authorizes the Governor to reassign resources, including personnel, from one or more agencies or departments in the event the Governor determines that a computer system may fail related to the impending date change necessitated by the year 2000, or in the event of a computer system failure related to the date change.

Section 16.60, F.S., provides for a public records mediation program within the Office of the Attorney General. The section requires the Attorney General to employ one or more mediators to mediate disputes involving access to public records. The section also requires the office to recommend needed legislation governing access to public records, as well as to assist the Department of State in preparing training seminars regarding such access. Subsection (5) of the section requires the office to report to the President of the Senate and the Speaker of the House by January 1, 1997, information regarding the public records mediation program, including, but not limited to: the number and source of inquiries regarding public records, the number and types of disputes relative to electronically stored public records, the number of disputes mediated, the number of disputes resolved, and any legislation necessary to improve the mediation program or access to public records generally.

Section 23.140, F.S., enacts the Southern Growth Policies Agreement. The act finds that the South has a sense of community based on common social, cultural, and economic needs and fostered by a regional tradition. It provides that there are vast potentialities for mutual improvement of each state in the region by cooperative planning for the development, conservation, and efficient utilization of human and natural resources in a geographic area. Parties to the agreement are Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, the Commonwealth of Puerto Rico, and the Territory of the Virgin Islands.

The purposes of the agreement are to provide:

- ▶ Improved facilities and procedures for study, analysis, and planning of governmental policies, programs, and activities of regional significance.
- ▶ Assistance in the prevention of interstate conflicts and the promotion of regional cooperation.
- ▶ Mechanisms for the coordination of state and local interests on a regional basis.
- ▶ An agency to assist the states in accomplishing the foregoing.

The act creates the Southern Growth Policies Board, which consists of five members from each party state. The Governor, two members of the state legislature, and two state residents represent each state. Article XII (c) of the compact provides that the agreement may be entered into by either enactment of the compact or by adherence to it by the state's governor, though in the latter case, participation lasts only until December 31, 1973. Article XII (d) of the compact authorizes any party state to withdraw from the agreement by enacting a statute repealing it, but

. . . no such withdrawal shall take effect until 1 year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

Section 110.1235, F.S., provides that any employer who provides insurance coverage under s. 110.123¹ or s. 112.0801, F.S.,² must notify those employees who retire of their eligibility to participate in either the same group insurance plan or self-insurance plan as provided in ss. 110.123 and 112.0801, F.S., or the insurance coverage as provided by this law. Section 112.0805, F.S., contains the identical requirement and is duplicative of this section.

Section 240.209(3)(f), F.S., requires the State Board of Regents to establish and maintain system wide personnel programs, classification programs, and pay plans for all State University System employees, notwithstanding provisions of law that grant authority to the Department of Management Services over such programs for state employees. The department retains authority over State University System employees for programs established in ss. 110.116, 110.123, 110.1232, 110.1234, 110.1235, and 110.1238 and in chs. 121, 122, and 238, F.S.

III. Effect of Proposed Changes:

The bill repeals s. 14.025, F.S., which provides the Governor with the authority to reassign resources and personnel to ensure Y2K compliance.

The bill repeals s. 16.60(5), F.S., which requires the Office of the Attorney General to report to the President of the Senate and the Speaker of the House by January 1, 1997, information regarding the public records mediation program, including, but not limited to: the number and source of inquiries regarding public records, the number and types of disputes relative to electronically stored public records, the number of disputes mediated, the number of disputes resolved, and any legislation necessary to improve the mediation program or access to public records generally.

The bill repeals s. 23.140, F.S., which enacts the Southern Growth Policies Agreement.

The bill repeals s. 110.1235, F.S., which is duplicative of s. 112.0805, F.S. Both provisions require that any employer who provides insurance coverage under ss. 110.123³ or

¹Section 110.123, F.S., creates the State Group Insurance Program Law.

²Section 112.0801, F.S., relates to participation by retired employees in group insurance. Any governmental entity which provides life, health, accident, hospitalization, or annuity insurance, or all of any kinds of such insurance upon a group insurance plan or self-insurance plan must allow all former personnel who have retired prior to October 1, 1987, as well as those who retire on or after such date, and their eligible dependents, the option of continuing to participate in such group insurance plan or self-insurance plan.

³Section 110.123, F.S., creates the State Group Insurance Program Law.

112.0801, F.S.,⁴ must notify those employees who retire of their eligibility to participate in either the same group insurance plan or self-insurance plan as provided in ss. 110.123 and 112.0801, F.S., or the insurance coverage as provided by this law. The requirement will remain in effect as s. 112.0805, F.S., is not repealed.

The bill amends s. 240.209(3)(f), F.S., to delete a reference to s. 110.1235, F.S., which is repealed above because it is duplicative of s. 112.0805, F.S.

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.

After repeal of the Southern Growth Policies Agreement, and after the one year notice period has passed, the state will not incur annual dues for participation in the compact. These dues cost an estimated \$60,000-\$70,000 per year.

⁴Section 112.0801, F.S., relates to participation by retired employees in group insurance. Any governmental entity which provides life, health, accident, hospitalization, or annuity insurance, or all of any kinds of such insurance upon a group insurance plan or self-insurance plan must allow all former personnel who have retired prior to October 1, 1987, as well as those who retire on or after such date, and their eligible dependents, the option of continuing to participate in such group insurance plan or self-insurance plan.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Membership dues in the Southern Growth Policies Agreement have cost an estimated \$60,000 - \$70,000 per year. The Governor's Recommended Budget for FY 2001-02 does not contain an appropriation for membership dues. Further, according to the Governor's office, Florida has not participated or designated members for the past four or five years. Article XII (c) of the compact provides that the agreement may be entered into by either enactment of the compact or by adherence to it by the state's governor, though in the latter case, participation lasts only until December 31, 1973. Article XII (d) of the compact authorizes any party state to withdraw from the agreement by enacting a statute repealing it, but

. . . no such withdrawal shall take effect until 1 year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

VIII. Amendments:

#1 by Governmental Oversight and Productivity:

Changes the effective date of Section 3. of the bill to October 1, 2001, to ensure that requirements relating to withdrawal from the Southern Growth Policies Agreement are met.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
