

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 1786

SPONSOR: Senator McKay

SUBJECT: Florida Statutes

DATE: March 14, 2000

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Poole</u>	<u>Poole</u>	<u>AG</u>	<u>Favorable</u>
2.	_____	_____	<u>RC</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This bill repeals various provisions of the statutes relating to agriculture that have become obsolete, have had their effect, or otherwise have served their purpose.

This bill amends sections 506.519, 616.001, 616.15, and 616.21 of the Florida Statutes.

This bill repeals sections 506.01, 506.02, 506.03, 506.04, 506.05, 506.14, 506.15, 506.16, 506.17, 506.18, 506.29, 506.30, 506.31, 506.32, 506.33, 506.34, 506.35, 506.36, 506.37, 506.38, 506.39, 506.40, 506.41, 506.42, 506.43, 506.44, 506.45, 523.01, 523.02, 523.03, 523.04, 523.05, 523.06, 523.07, 523.08, 523.09, 523.10, 523.12, 523.13, 523.14, 523.15, 523.16, 523.17, 523.18, 523.19, 523.20, 523.21, 523.22, 544.01, 544.02, 544.03, 544.04, 544.05, 544.06, 570.541, 588.07, 588.08, 593.114(3)(b), 602.015, 602.025, 602.035, 602.055, 602.065, 602.075, 602.085, 602.095, 602.097, 609.099, 698.10, and 865.04.

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of Representatives reviewed each chapter of the five volumes of the Florida Statutes to find provisions which were outdated or obsolete.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 A cross-reference to another section which was otherwise repealed;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; and
9. A redundancy in text or reference no longer needed.

This bill pertains to matters regarding the practice of agriculture or regulatory functions of the Department of Agriculture and Consumer Services regarding agriculture.

III. Effect of Proposed Changes:

Section 1. Repeals sections 506.01 through 506.05, F.S. Chapter 506 relates to regulation of use of stamped or marked containers and baskets. Examples are bottles, boxes, kegs, baskets or other containers with names or other marks branded, stamped, engraved or in some other fashion produced upon the container. These sections of law date from 1897 and their provisions are now covered by trademark and copyright laws; therefore, these sections are obsolete.

Section 2. Repeals sections 506.14 through 506.18, F.S. These sections of chapter 506 relate to regulation of the sale or distribution of milk products in marked bottles, cans or crates. Dating from 1935, these sections are obsolete as milk is not now processed in marked containers referred to in this law. Necessary provisions are now covered by trademark and copyright laws.

Section 3. Repeals sections 506.29 through 506.45, F.S. These sections are known as the Florida Milk and Ice-cream Container Law. Adopted in 1943, these sections are now obsolete as their provisions are included in the frozen dessert laws and the trademark and copyright laws.

Section 4. Amends section 506.519, F.S., to conform a reference, relating to other provisions within the chapter such as carts, baskets, and similar containers.

Section 5. Repeals sections 523.01 through 523.22, F.S. Adopted in 1941, these sections of law regulate “naval stores,” also known as turpentine. According to the Division of Forestry, there is no longer any turpentine production in Florida; therefore, these sections are obsolete.

Section 6. Repeals section 544.01 through 544.06, F.S. These sections of law were adopted in 1897 and relate to preventing the monopolizing or controlling of the sale or price of beef or other fresh meats produced in Florida. These sections are obsolete, and any necessary provisions are covered by more current trade practice laws.

Section 7. Repeals section 570.541, F.S. This section provides for the Racing Quarter Horse Advisory Council. The council is no longer necessary as there has been no quarter horse racing in the state since 1991.

Section 8. Repeals sections 588.07 and 588.08, F.S. Adopted in 1823, these sections relate to practices used to contain livestock when Florida was an open range state. The state now has fence laws that render these sections obsolete.

Section 9. Repeals paragraph (b) of subsection (3) of section 593.114, F.S. This paragraph relates to assessment determinations done on cotton production for implementation and enforcement of the boll weevil eradication law. These assessments are done on an annual basis, and the reference to the May 1987 date is no longer necessary.

Section 10. Repeals chapter 602, F.S., in its entirety. Chapter 602 was adopted in 1989 to implement a financial compensation program relating to the state and federal governments' citrus canker eradication efforts during the 1980s. The program, and these provisions of law, were specific only to the canker program during the 1980s. The program was terminated in 1994 (s. 6, ch. 94-346, Laws of Florida); therefore, these sections are obsolete.

Section 11. Amends section 616.001, F.S., to conform references with the repeal of the Agricultural and Livestock Fair Council.

Section 12. Amends subsection (1) of section 616.15, F.S., to conform a reference with the repeal of the Agricultural and Livestock Fair Council.

Section 13. Repeals subsections (2), (3), and (4) of section 616.21, F.S. These subsections create and define the Agricultural and Livestock Fair Council which is no longer active.

Section 14. Repeals section 698.10, F.S. Adopted in 1935, this section relates to the effect of security instruments, such as chattel mortgages, on crops grown more than 7 years from the date of May 1, 1935. The section is obsolete.

Section 15. Repeals section 865.04, F.S. This section was enacted in 1832 to prohibit including "dirt, rubbish, or other thing" in the packing of agricultural or food provisions. This section is no longer needed as this prohibition is now covered by more current packaging laws.

Section 16. Provides 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:

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.
