

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 1790

SPONSOR: Senator McKay

SUBJECT: Florida Statutes/Repeals

DATE: March 8, 2000 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Branning</u>	<u>Voigt</u>	<u>NR</u>	<u>Favorable</u>
2.	_____	_____	<u>RC</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This bill repeals various statutory provisions that have become obsolete, have had their effect, or have been impliedly repealed or superseded.

This bill substantially amends or repeals the following sections of the Florida Statutes: 370.031, 370.033, 370.037, 370.038, 370.0805, 370.135, 370.14, 370.142, 373.029, 373.191, 373.033, 373.2295, and 373.415.

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of Representatives reviewed each chapter of the five volumes of the Florida Statutes to find provisions which were outdated or obsolete.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 A cross-reference to another section which was otherwise repealed.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

This bill removes several provisions in ch. 370 and 373, F.S., that are no longer needed and amends other provisions in those chapters to correct certain cross-references.

Section 1: Section 370.031, F.S., is repealed. This section directed the Department of Environmental Protection in 1969 to conduct an economic, ecological and biological study of Choctawhatchee Bay. The study has been completed.

Section 2: Section 370.033, F.S., is repealed. This section, adopted in 1970, specified legislative intent regarding the registration of dredge-and-fill equipment with the old Department of Natural Resources. This language has been rendered obsolete by the subsequent passage of law in chapters 370 and 403, F.S., regarding dredge and fill permitting requirements.

Section 3: Paragraph (b) of subsection (1) of section 370.037, F.S., is amended to correct a cross-reference.

Section 4: Section 370.038, F.S., is amended to correct a cross-reference.

Section 5: Section 370.0805, F.S., is repealed. Passed by the Legislature in 1995, this section created a net buyback and other assistance programs for commercial fishermen adversely affected by passage of the 1994 constitutional limitations on gill and other nets. These programs have expired.

Section 6: Section 370.135, F.S., created in 1998 a moratorium on issuance of blue-crab harvesting licenses to new applicants. This section is amended to delete several of the early deadlines which have expired.

Section 7: Subsection (12) of s. 370.14, F.S., is repealed. This subsection refers to an obsolete historical reference.

Section 8: Subsection (4) of s. 370.142, F.S., refers to the "Trap Certificate Technical Advisory and Appeals Board," for spiny lobster harvesters, which was created in 1990. This subsection is amended to delete the deadlines for several of its actions which have passed.

Section 9: Section 373.029, F.S., is repealed. Enacted in 1963, this section directed the governor to appoint a Floridian to the Southeast River Basins Resources Advisory Board. The board no longer meets.

Section 10: Section 373.191, F.S., is repealed. This section was created in 1957 and allowed counties to enter into water development projects with the long-defunct Division of Interior Resources of the Department of Natural Resources. The provision is obsolete because the division was dissolved in 1972, and because other, newer provisions of law in ch. 373, F.S., address local-state partnerships for water development.

Section 11: Section 373.033, F.S., is amended to correct a cross-reference and make certain grammatical changes.

Section 12: Subsection (11) of section 373. 2295, F.S., is repealed. Created in 1987, this provision was intended to exempt a pending interdistrict transfer project from the permitting provisions of the rest of the section. The reference has been obsolete for many years.

Section 13: Subsection (3) of section 373. 415, F.S., is repealed. This subsection directed the St. Johns River Water Management District to develop by March 1, 1991, a groundwater basin availability inventory for the Wekiva River Protection Area. The district met the deadline.

Section 14: This act takes 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.
