

STORAGE NAME: h4015s1z.rpp
DATE: June 21, 2000

****AS PASSED BY THE LEGISLATURE****
CHAPTER #: 2000-335, Laws of Florida

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
REAL PROPERTY AND PROBATE
FINAL ANALYSIS**

BILL #: CS/HB 4015 (PCB RC 00-08) (portions of CS/HB 4015 passed in SB 1750)

RELATING TO: Florida Statutes

SPONSOR(S): Committees on Real Property & Probate and Rules & Calendar, and Representative Byrd

TIED BILL(S): none

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) RULES AND CALENDAR YEAS 17 NAYS 0
 - (2) REAL PROPERTY AND PROBATE YEAS 7 NAYS 0
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This act repeals statutes that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded.

This act does not appear to have a fiscal impact on state or local governments.

On May 5, 2000, CS/HB 4015 died in the Senate Committee on Judiciary. Portions of CS/HB 4015 passed in SB 1750, which became law on June 20, 2000 as Chapter 2000-335, Laws of Florida (the "act"). The effective date of the act is June 20, 2000.

This analysis, with certain exceptions, is of Chapter 2000-335, Laws of Florida. The exceptions are those sections that address the House bill, which are clearly identified.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

The Committee on Real Property and Probate was asked to review a number of sections of the Florida Statutes to determine if those sections have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded. The committee identified a number of such sections and referred that information to the House Committee on Rules and Calendar, which resulted in the drafting and passage of Proposed Committee Bill RC 00-08 by that committee. The Proposed Committee Bill came before the Committee on Real Property and Probate as House Bill 4015. See "Section-by-Section Analysis" for present situation on each of the sections of the bill.

Senate staff, in drafting the Senate companion bill, SB 1750, took the House work product and removed some of the sections of law to be repealed.

C. EFFECT OF PROPOSED CHANGES:

See "Section-by-Section Analysis".

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Repeals ss. 55.08, 55.09, and 55.101, F.S.

Chapter 55, F.S., relates to judgments. Section 55.08, F.S., relates to judgments entered prior to June 5, 1939, and provides that a circuit court judgment shall be a lien on property of a defendant for twenty years. Judgments in effect prior to June 5, 1939, have since expired. The statute is obsolete.

Section 55.09, F.S., relates to judgments of inferior courts entered prior to June 5, 1939, and provides that a court judgment entered by a court other than a circuit court shall be a lien on property of the defendant for twenty years. Judgments in effect prior to June 5, 1939, have since expired. The statute is obsolete.

Section 55.101, F.S., enacted in 1971, provides that judgments recorded pursuant to the provisions of former s. 28.21(1), F.S., or former s. 28.221, F.S., are validated; that the judgments and decrees are declared to be liens on real property in the counties where certified copies thereof are recorded from the date of recordation; and that any judgment or

decree recorded subsequent to June 26, 1967, shall not be a lien on property unless recorded according to s. 55.10, F.S. (which section was also amended by the same act in 1971). Any affected judgments have since expired. The statute is obsolete.

Section 2: Repeals s. 74.121, F.S.

Chapter 74, F.S., relates to proceedings supplemental to eminent domain. The chapter was enacted in 1965,¹ and subsequently amended. Section 74.121, F.S., provides an initial effective date of October 1, 1965, for the original enactment of the chapter. The effective date has passed and thus s. 74.121, F.S., is no longer necessary. Section 74.121, F.S., is obsolete.

Section 3: Repeals s. 95.022, F.S.

Chapter 95, F.S., relates to limitations of actions and actions for adverse possession. The chapter was substantially re-written in 1974.² Section 95.022, F.S., a part of that 1974 enactment, provides an effective date of January 1, 1975, for those re-written sections, which effective date has passed; and, contains a savings clause, which expired January 1, 1976. The provisions at s. 95.022, F.S., are obsolete.

Section 4: Repeals s. 196.011(13), F.S.

Chapter 196, F.S., relates to exemption from ad valorem taxation. Section 196.011, F.S., relates to the annual application required to renew an exemption from ad valorem taxation. Section 196.011(13), F.S., provides that particular charitable organizations that failed to timely file an application for exemption for the 1994 tax year may file an untimely application. Section 196.011(13), F.S., specifies that it expires one year after enactment. That time period expired May 28, 1999, and thus s. 196.017(13), F.S., is now obsolete.

Section 5: Repeals s. 198.331, F.S.

Chapter 198, F.S., relates to estate tax. Section 198.331, F.S., enacted in 1957,³ makes certain provisions in Chapter 198, F.S., regarding estate taxes, retroactive to October 1, 1933. Because the statute of limitation on collection of estate taxes is 12 years,⁴ s. 198.331, F.S., has expired by its terms and is thus obsolete.

Section 6: Provides that this act shall take effect upon becoming law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

¹ Chapter 65-369, L.O.F.

² Chapter 74-382, L.O.F.

³ Chapter 57-108, L.O.F.

⁴ Section 198.22, F.S.

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

none

2. Expenditures:

none

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

none

2. Expenditures:

none

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

none

D. FISCAL COMMENTS:

none

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This act does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This act does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This act does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

none

B. RULE-MAKING AUTHORITY:

none

C. OTHER COMMENTS:

none

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On January 18, 2000, the Committee on Real Property and Probate adopted two amendments to HB 4015, which:

1. The first amendment deletes Section 6 from HB 4015. That section would have amended s. 193.155, F.S., relating to the taxable value of homestead real property, to remove the dates from the formula expressed at s. 193.155, F.S.⁵
2. The second amendment deletes Section 5 from HB 4015. That section would have repealed s. 117.05(3)(b), F.S., which provides the phase-out of notary impression-type seals.⁶ The second amendment also repeals s. 689.18(6), F.S., s. 692.101(4), F.S., s. 694.01, F.S., s. 695.20, F.S., s. 696.04, F.S., s. 718.401(1)(d)3., F.S., s. 718.622, F.S., s. 719.203(6), F.S., and s. 718.401(1)(d)3., F.S., and corrects cross-references in s. 696.02, F.S., and s. 696.03, F.S.⁷

HB 4015, as amended, was then reported favorably as a committee substitute.

VII. SIGNATURES:

COMMITTEE ON REAL PROPERTY AND PROBATE:

Prepared by:

Staff Director:

Nathan L. Bond, J.D.

J. Marleen Ahearn, Ph.D, J.D.

⁵ Amendment of that section had been questioned because it was believed the dates were necessary for correct calculation of the mathematical formula in the statute.

⁶ Repeal of that section had been questioned because it was thought that, while impression-type seals have been phased out in favor of rubber stamp notary seals, persons may need to refer to this section to confirm the validity of an impression-type notary seal on a document notarized prior to the date after which rubber stamp seals were required on all notarized documents.

⁷ This act does not repeal any of these sections of law.

STORAGE NAME: h4015s1z.rpp

DATE: June 21, 2000

PAGE 6

**FINAL ANALYSIS PREPARED BY THE COMMITTEE ON REAL PROPERTY AND
PROBATE:**

Prepared by:

Staff Director:

Nathan L. Bond, J.D.

J. Marleen Ahearn, Ph.D, J.D.