

STORAGE NAME: h4019.ca

DATE: January 27, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS**

BILL #: HB 4019 (PCB RC 00-10)

RELATING TO: Florida Statutes/Repeals and Deletions

SPONSOR(S): Committee on Rules & Calendar and Representative Sublette

TIED BILL(S): None.

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

- (1) RULES & CALENDAR (PC) YEAS 14 NAYS 0
 - (2) COMMUNITY AFFAIRS (PRC)
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

This bill repeals statutes that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded. The bill also makes necessary updates to cross-references rendered obsolete by this bill.

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

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 Community Affairs 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if those sections have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded.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 00-10 by that committee. That Proposed Committee Bill is now before the Committee on Community Affairs as House Bill 4019. See "Section-by-Section Analysis" for present situation on each of the sections of the bill.

C. EFFECT OF PROPOSED CHANGES:

This bill deletes obsolete provisions and makes necessary updates to cross-references rendered obsolete by this bill. See the Section-by-Section Analysis.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Section 138.10, F.S., is repealed. This statutory section provides that the provisions of chapter 138, F.S., shall not apply to counties "having constructed a new courthouse within the past 20 years, other than a county having constructed a courthouse of wood, in which the county seat is situated, in any town or city not located on any line of railroad transportation." Chapter 138, F.S., requires a referendum to change the county seat and provides provisions governing such referendums. This section was created in 1911 and amended in 1913. The section is antiquated and no longer appropriate.

Section 2. Section 142.18, F.S., is repealed. This statutory section requires county commissioners of the respective counties to adopt forms furnished in accordance with s. 142.17, and have printed a sufficient number of said blanks for the use of the officers of their respective counties. Section 142.17, F.S., relating to the duties of the state comptroller to prepare blanks and forms for auditing claims against the county paid out of the County Fine and Forfeiture fund, was repealed by chapter 99-259, L.O.F., because the Comptroller no longer performs this function.

Section 3. Section 145.132, F.S., repeals all local or special laws or general laws of local application enacted prior to July 1, 1993, which related to compensation of district school board members.

Section 4. Paragraphs (c) and (d) of subsection (1) of s. 252.83, F.S., are repealed. Paragraph (c) directs the Department of Community Affairs (DCA) to establish a compliance verification program on or before July 1, 1989, to determine compliance with the reporting and fee requirements of part II of chapter 252, F.S., relating to the "Hazardous Materials Emergency Response and Community Right-to-Know Act." Paragraph (d) directs DCA to analyze ways so that information collected pursuant to the "Emergency Planning and Community Right-to-Know Act of 1986" or s. 252.87 will be made available within 3 years after July 1, 1988. Both provisions are dated and obsolete.

Section 5. Section 252.91, F.S., is repealed. This statutory section, which provides for the repayment by July 1, 1994, of startup costs transferred from the Operating Trust Fund, is dated and obsolete.

Section 6. Section 252.935, F.S., is repealed. The section states the purpose of part IV of chapter 252, the "Florida Accidental Release Prevention and Risk Management Planning Act," to be to establish adequate state authorities to implement, fund, and enforce the requirements of the Accidental Release Prevention Program of s. 112(r)(7) of the federal Clean Air Act and federal implementing regulations for specified sources. The section states that to ensure the efficient use of resources, it is the intent of the Legislature for the state to seek delegation of s. 112(r)(7) Accidental Release Prevention Program from the United States Environmental Protection Agency for specified sources and for duplication and redundancy to be avoided to the maximum extent practicable with no expansion or addition of the regulatory program.

Section 252.937(1)(a), F.S., implements the purpose and intent stated in s. 252.935, F.S. The section directs DCA to seek such delegation to implement the Accidental Release Prevention Program under s. 112(r)(7) of the Clean Air Act and the federal implementing regulations for specified sources subject to s. 112(r)(7). The section also provides for implementation for all other sources subject to s. 112(r)(7) to be performed by the United States Environmental Protection Agency.

Section 7. Chapter 424, F.S., relating to limited dividend housing companies, is repealed. The chapter grants oversight, investigative, and enforcement authority to DCA. DCA does not oversee any limited dividend housing companies, and the Reconstruction Finance Corporation referenced in the chapter was abolished by the Reorganization Plan No. 1, in 1957.

Section 8. Subsection (5) of s. 20.18, F.S., is amended to delete a reference to chapter 424, F.S., relating to limited dividend housing companies, which is repealed in section 7 of this bill.

Section 9. Section 420.102, F.S., is amended to delete definitions relating to limited dividend housing companies and associations. Regulation of such companies is repealed in section 7 of this bill.

Section 10. Section 420.6015, F.S., is amended to delete a reference to s. 424.02, F.S. Chapter 424, F.S., is repealed in section 7 of this bill.

Section 11. Section 421.001, F.S., is amended to delete a reference to chapter 424, F.S., which is repealed in section 7 of this bill.

Section 12. Section 422.001, F.S., is amended to delete a reference to chapter 424, F.S., which is repealed in section 7 of this bill.

Section 13. Section 423.001, F.S., is amended to delete a reference to chapter 424, F.S., which is repealed in section 7 of this bill.

Section 14. An effective date of upon becoming law is provided.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

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

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that counties and municipalities have to raise revenue in the aggregate.

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

This bill does not reduce the percentage of state tax shared with counties and municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

This bill does not raise constitutional issues.

B. RULE-MAKING AUTHORITY:

This bill neither expands nor restricts rule-making authority.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

Three sections are being removed from the bill. They are discussed below.

Section 3 of the bill repeals s. 145.132, F.S., which repeals all local or special laws or general laws of local application enacted prior to July 1, 1993, which related to compensation of district school board members. Because Florida does not codify local or special or general laws of local application, there is concern that this statutory section needs to be retained to maintain clarity.

Sections 4 and 5 of the bill are being removed from the bill because they are included in Statutory Revisions Reviser Bill 2000-08.

VII. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Staff Director:

Thomas L. Hamby

Joan Highsmith-Smith