

STORAGE NAME: h4019z.ca
DATE: May 17, 2000

****FAILED TO PASS THE LEGISLATURE****

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

BILL #: 1ST ENG/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) YEAS 9 NAYS 0
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

SB 1780/1ST ENG, which passed the Legislature, is identical to HB 4019/1ST ENG.

HB 4019/1ST ENG, repeals statutes that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded.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if those sections have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded.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. 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 4. 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 5. 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 6. 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 7. 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 8. 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 9. 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 10. 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:

Committee on Community Affairs

The House Committee on Community Affairs adopted one amendment which is traveling with the bill. The amendment deletes sections 3, 4, and 5 from the bill. 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 Revision's Reviser Bill 2000-08.

Floor Amendments

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On March 22, 2000, HB 4019 was read a second time, amendments were adopted, and the bill was read a third time and passed. In addition to adopting the amendment by the Committee on Community Affairs, the House of Representatives adopted an amendment by Representative Sublette. This amendment deleted section 6 from HB 4019, which provided for the repeal of s. 252.935, F.S., which states the purpose of part IV of chapter 252, the "Florida Accidental Release Prevention and Risk Management Planning Act."

VII. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Staff Director:

Thomas L. Hamby

Joan Highsmith-Smith

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON COMMUNITY AFFAIRS:

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