

STORAGE NAME: h0943z.jud
DATE: June 28, 2000

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

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
JUDICIARY
FINAL ANALYSIS**

BILL #: HB 943

RELATING TO: Legislature/Statutory Oversight

SPONSOR(S): Representative Arnall

TIED BILL(S): None

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

- (1) JUDICIARY YEAS 8 NAYS 0
 - (2) GENERAL APPROPRIATIONS YEAS 19 NAYS 0
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

The bill creates the Joint Legislative Committee on Statutory Oversight, comprised of three members of the House, as appointed by the Speaker of the House, and three members of the Senate, as appointed by the President of the Senate. The President of the Senate shall appoint the chair of the Joint Committee in even-numbered years and the vice-chair in odd-numbered years and the Speaker of the House shall appoint the chair in odd-numbered years and the vice-chair in even-numbered years. Vacancies shall be filled in the same manner as the original appointments.

The Joint Committee is charged with maintaining a continuous review of the Florida Statutes to identify obsolete and inactive statutes and functions that government should no longer perform. The Joint Committee is directed to make recommendations to the Legislature, including proposed legislation, in an annual report due October 15.

The Office of Legislative Services estimates that staffing the Joint Committee will cost approximately \$266,630 in the first fiscal year of operation. This estimate includes \$17,712 in non-recurring expenses.

The bill shall take effect on becoming law.

Died in Senate Committee on Governmental Oversight and Productivity.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

1. Less Government Yes No N/A

The bill creates a new government entity, the Joint Legislative Committee on Statutory Oversight.

2. Lower Taxes Yes No N/A

3. Individual Freedom Yes No N/A

4. Personal Responsibility Yes No N/A

5. Family Empowerment Yes No N/A

B. PRESENT SITUATION:

Sections 13.90-13.996, F.S., create and empower the Florida Legislative Law Revision Council to examine the common law, constitution and statutes of the state and current judicial decisions for the purpose of discovering anachronisms and defects in the law and recommending needed reforms, to conduct research on the law as requested by the Legislature, and to recommend changes in the law, including recommending the elimination of antiquated and inequitable rules of law.

The Council is made up of 12 members, appointed by the President of the Senate, the Speaker of the House, and the Florida Bar. The Council is authorized to employ an executive director and staff and to procure professional services from private providers as well as information and assistance from state agencies. The Council is also empowered to promulgate rules. Section 13.995, F.S. provides for an appropriation to carry out the purposes of the act creating the Council.

The Council is no longer active, and ss. 13.90-13.996, F.S., are scheduled for repeal in HB 4017 (strike-everything amendment).

C. EFFECT OF PROPOSED CHANGES:

The bill creates the Joint Legislative Committee on Statutory Oversight, comprised of three members of the House, appointed by the Speaker of the House, and three members of the Senate, appointed by the President of the Senate. The President of the Senate shall appoint the chair of the Joint Committee in even-numbered years and the vice-chair in odd-numbered years and the Speaker of the House shall appoint the chair in odd-numbered years and the vice-chair in even-numbered years. Vacancies shall be filled in the same manner as the original appointments.

The Joint Committee is charged with maintaining a continuous review of the Florida Statutes to identify obsolete and inactive statutes and functions that government should no longer perform. The Joint Committee is directed to make recommendations to the Legislature, including proposed legislation, in an annual report due October 15.

The Joint Committee would serve in a similar capacity as the Florida Legislative Law Revision Council, but with a much narrower mandate and with a smaller staff.

D. SECTION-BY-SECTION ANALYSIS:

See EFFECT OF PROPOSED CHANGES.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The Office of Legislative Services estimates FY costs to be as follows:

\$266,630 in FY 2000-01 (this includes startup costs of \$17,712)

\$253,126 in FY 2001-02

\$258,817 in FY 2002-03

These estimates are based on hiring four FTE staff at the minimum starting salary plus ten percent for each classification: one senior staff director, one legislative analyst, one attorney, and one executive secretary. Travel estimates are included based on four meetings per year.

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:

The bill does not require a city or county to spend funds or to take any action requiring the expenditure of any funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the revenue raising authority of any city or county.

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

The bill does not reduce the amount of state tax shared with a city or county.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

The Office of Legislative Services ("OLS") notes that the bill does not assign the Joint Committee to OLS for administrative purposes, nor does it indicate to whom the Committee will be responsible organizationally. The bill is also silent on staffing requirements, travel and per diem authorization, and a meeting schedule. OLS reports that if the bill becomes law, any additional administrative costs could be absorbed from within existing resources of OLS and joint rules should be modified to include the Joint Committee.

OLS also notes that the bill may have an effect on the operations of the Statutory Revision Office. Staff of that office already identify obsolete statutes for placement in revisers bills, but do not review whether any "government functions" should be ended. OLS suggests that the Statutory Revision Office might be used to provide support to the Joint Committee, in part by helping to identify obsolete statutes that might otherwise be the subjects of a revisers bill.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON JUDICIARY:

Prepared by:

Michael W. Carlson, J.D.

Staff Director:

P.K. Jameson, J.D.

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AS REVISED BY THE COMMITTEE ON GENERAL APPROPRIATIONS:

Prepared by:

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FINAL ANALYSIS PREPARED BY THE COMMITTEE ON JUDICIARY:

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