

**STORAGE NAME:** h4007.ree.doc

**DATE:** February 15, 2001

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
RULES, ETHICS AND ELECTIONS  
ANALYSIS**

**BILL #:** HB 4007

**RELATING TO:** Florida Statutes/Repeals and Deletions

**SPONSOR:** Representative Mahon

**TIED BILL(S):**

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

- (1) RULES, ETHICS AND ELECTIONS (PRC)
  - (2)
  - (3)
  - (4)
  - (5)
- 

I. SUMMARY:

HB 4007 repeals and amends various statutory provisions that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded.

The bill does not appear to have a fiscal impact to state or local government.

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:

During the fall of 2000, the House Committee on Rules & Calendar worked with the Division of Statutory Revision 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if those sections have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded.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 sections identified as such, following a review process involving other House committees, were filed in this bill. Please see the "Section-by-Section Analysis" for a detailed description.

C. EFFECT OF PROPOSED CHANGES:

See "Section-by-Section Analysis"

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Repeals paragraph (b) of subsection (2) of section 20.055, F.S.

This provision was repealed during the 2000 Legislative Session but was not eliminated from statute.

Section 2: Repeals paragraph (c) of subsection (5) of section 20.171, F.S.

This provision provides that effective January 1, 2001, the Division of Blind Services is transferred by a type two transfer as defined in section 20.06 (5) F.S., from the Department of Labor and Employment Security to the Department of Education. The transfer has occurred and is no longer relevant to statute.

Section 3: Repeals subsection (3) of section 34.021, F.S.

This provision outlines qualifications for county court judges. This material is dated and therefore has become obsolete.

Section 4: Amends subsection (1) of section 39.824, F.S.

The first sentence of the provision has become obsolete in that it imposes an October 1, 1989, date for the Supreme Court to adopt rules of juvenile procedure.

Section 5: Repeals subsection (1) of section 193.102, F.S.

This provision relates to lands against which the state held a lien for delinquent taxes assessed prior to 1941. It provided for subsequent assessment of such taxes and, if taxes were not paid, for sale of the lands or for titles to vest with the counties. This law was passed at the end of the Great Depression (1929-1939, when farmers armed with guns and pitchforks marched on the local banks to prevent foreclosures) in the same year that the U.S. entered into World War II. This provision is no longer operative.

Section 6: Repeals subsection (2) of section 206.9825, F.S.

The provision repeals s. 206.9825(2), F.S. This is an obsolete provision related to special aviation fuel tax rates for air carriers that elected to be subject to the tangible personal property tax under section 212.0598, F.S. Paragraph (c) of the subsection provided that this provision expired and became void on July 1, 2000.

Section 7: Amends paragraphs (ff) and (zz) of subsection (7) and paragraph (d) of subsection (17) of section 212.08, F.S.

This provision deletes obsolete language relating to sales, rental, use, consumption, distribution, and storage tax; specified exemptions.

Section 8: Amends section 220.1501, F.S.

Section 220.1501, F.S., in part requires the Board of Regents and certain nonpublic universities to report their success in attracting sponsored research contracts to the Legislature by February 2000. This language is now outdated.

Section 9: Repeals subsection (3) of section 255.259, F.S.

This provision required the Department of Management Services to complete a five-year program phasing in the use of Xeriscape on public property associated with publicly owned buildings or facilities constructed before July 1, 1992, ending in 1997. This language is now outdated.

Section 10: Repeals subsection (3) of section 373.0361, F.S.

This provision is now obsolete in that the July 1, 1996, date has passed for the Southwest Florida Water Management District to submit a review and approval list to the Department of Environmental Protection and the requirements that regional water supply plans contain a water development component and a water resource development component are contained in other sections of law.

Section 11: Repeals subsection (7) of section 381.895, F.S.

This section repeals an obsolete January 1, 2000, effective date regarding standards for compressed air used for recreational diving.

Section 12: Amends subsection (1) of section 394.4985, F.S.

This provision requires each service district of the Department of Children and Family Services to develop a detailed implementation plan by October 1, 1998, for a district-wide comprehensive child and adolescent mental health information and referral network. The date has passed and the provision is no longer operative.

Section 13: Repeals section 409.2559, F.S.

This provision is now obsolete in that the Department of Revenue was to establish and operate a state distribution unit by October 1, 1999.

Section 14: Repeals subsection (5) of section 414.70, F.S.

Subsection (5) of section 414.70, F.S. required the Department of Children and Family Services to provide the Legislature with a comprehensive evaluation of the drug testing demonstration projects by January 1, 2001. This date has passed, and the provision is no longer operative.

Section 15: Amends subsection (3) of section 420.504, F.S.

This provision is obsolete in that it sets up a membership committee within the Department of Consumer Affairs, which expired in 1998.

Section 16: Amends paragraph (a) of subsection (2) of section 440.4416, F.S.

This provision required a report be given to the Legislature prior to January 1, 1995, from the Department of Labor and Employment Security regarding the feasibility of a return-to-work program. This provision is now obsolete.

Section 17: Amends paragraph (w) of subsection (1) of section 456.072, F.S.

This provision requires findings of convictions, adjudications, and pleas entered in writing prior to the enactment of this paragraph to be reported in writing to the Department on or before October 1, 1999. This provision is now outdated and obsolete.

Section 18: Repeals paragraph (b) of subsection (6) of section 468.609, F.S.

This provision contains a grandfather clause for building code administrators, plans examiners, or building code inspectors that allows these classes of professionals who are government employed on July 1, 1993, to submit for and receive a limited certificate prior to October 1, 1993. The limited certificate allowed these personnel to continue in their current positions without having to qualify for a standard certificate. These dates are now obsolete.

Section 19: Repeals subsection (1) of section 570.381, F.S.

This provision contains obsolete legislative findings language regarding Appaloosa racing; breeders' awards; Appaloosa Advisory Council; horse registration fees; and the Florida Appaloosa Racing Promotion Fund. There has been no Appaloosa racing in Florida for approximately fifteen years.

Section 20: Repeals subsection (11) of section 624.4085, F.S.

This provision contains dated language relating to risk-based capital requirements for insurers that is now obsolete.

Section 21: Repeals subsection (2) of section 624.4392, F.S.

This provision contains dated language relating to fund balance in multiple employer welfare arrangements. The provision is now obsolete.

Section 22: Amends paragraph (a) of subsection (6) of section 626.2815, F.S.

This provision establishes an eleven-member continuing education advisory board to be appointed by the Insurance Commissioner and Treasurer. The board shall establish and implement criteria by January 1, 1997. This provision is now outdated and obsolete.

Section 23: Amends paragraph (d) of subsection (2) of section 626.918, F.S.

This provision contains dates ranging from December 31, 1994, through December 30, 2000, regarding surplus lines insurers eligibility. This provision is now outdated and obsolete.

Section 24: Repeals paragraph (e) of subsection (6) of section 627.4145, F.S.

This provision regarding readable language in insurance policies contains outdated language relating to form renewals.

Section 25: Repeals subsection (3) of section 627.4147, F.S.

This provision contains outdated language regarding medical malpractice insurance contracts.

Section 26: Amends paragraph (b) of subsection (1) of section 627.6492, F.S.

This provision contains obsolete language applicable to the time period of July 1 through December 31, 1991, relating to the amount of the assessment imposed on health insurers doing business in Florida in order to offset operating losses of the Florida Comprehensive Health Association.

Section 27: Amends paragraph (b) of subsection (6) of section 629.401, F.S.

This provision regarding insurance exchange contains dates that are now obsolete.

Section 28: Repeals subsection (1) of section 631.911, F.S.

This provision contains dated language regarding the creation of the Florida Workers' Compensation Insurance Guaranty Association, Incorporated; merger; and effect of merger.

Section 29: Repeals subsection (3) of section 631.912, F.S.

This provision regarding the board of directors for corporations contains obsolete language that cross-references subsection (1) of provision 631.911, F.S. (see Section 28).

Section 30: Repeals section 631.929, F.S.

This provision regarding election of remedies for injured workers contains dates that are now obsolete.

Section 31: Amends 636.016, F.S.

This provision regarding prepaid limited health service contracts contains dates that are now obsolete.

Section 32: Amends subsection (1) in paragraph (a) of subsection (4) of section 636.043, F.S.

This provision contains language regarding annually, quarterly and miscellaneous reports of limited health services organizations to the Department of Health. This provision contains dates that are now obsolete.

Section 33: Repeals section 655.963, F.S.

This provision regarding financial institution customers' access devices contains dates which are now obsolete.

Section 34: Repeals section 713.5955, F.S.

This provision requiring acquisition of title to unclaimed molds is no longer operative.

Section 35: Repeals section 717.104, F.S.

This provision provides for the presumption of the abandonment of outstanding traveler's checks and money orders and state jurisdiction over the escheatment of the payable sums of such instruments. This provision contains dates that are now obsolete.

Section 36: Amends subsection (1) of section 717.105, F.S.

Repeals provisions in Chapter 717, F.S., which cross reference section 717.104, F.S.

Section 37: Repeals subsection (4) of section 717.118, F.S.

Repeals provisions in Chapter 717, F.S., which cross reference section 717.104, F.S.

Section 38: Amends subsection (3) of section 721.24, F.S.

This provision contains obsolete dated language regarding fire safety.

Section 39: Amends paragraph (d) of subsection (2) of section 744.7021, F.S.

This provision contains obsolete language pertaining to an interim report on the progress of the Statewide Public Guardianship Office in meeting its goals to the Governor, President of the Senate, Speaker of the House, and the Chief Justice of the Supreme Court.

Section 40: Repeals section 753.004, F.S.

This provision contains language that is no longer operative regarding supervised visitation projects in communities throughout the state existing within the Institute of Food and Agricultural Sciences of the University of Florida.

Section 41: Provides this act shall take effect July 1, 2000.

FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

E. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

F. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

G. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

H. FISCAL COMMENTS:

None

III. 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 an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

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

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None

B. RULE-MAKING AUTHORITY:

None

C. OTHER COMMENTS:

None

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None

**STORAGE NAME:** h4007.ree.doc

**DATE:** February 15, 2001

**PAGE:** 8

VI. SIGNATURES:

COMMITTEE ON RULES, ETHICS AND ELECTIONS:

Prepared by:

Staff Director:

---

Matthew R. Mucci

---

R. Philip Twogood