

STORAGE NAME: h4007s1.ree.doc

DATE: March 5, 2001

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

BILL #: CS/HB 4007

RELATING TO: Florida Statutes

SPONSOR(S): Committee on Rules, Ethics, & Elections and Representative Mahon

TIED BILL(S):

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

- (1) RULES, ETHICS, & ELECTIONS (PRC) YEAS 14 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

CS/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provisions that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded.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if those sections have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded.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 (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 2: 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 3: 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 4: 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 5: 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 6: 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 7: 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 8: 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 9: 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 10: 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 11: 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 12: 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 13: 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 14: 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 15: 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 16: 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 17: 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 18: 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 19: 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 20: 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 21: 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 22: 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 23: Repeals subsection (3) of section 627.4147, F.S.

This provision contains outdated language regarding medical malpractice insurance contracts.

Section 24: 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 25: Amends paragraph (b) of subsection (6) of section 629.401, F.S.

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

Section 26: 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 27: 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 28: Repeals section 631.929, F.S.

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

Section 29: Amends 636.016, F.S.

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

Section 30: 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 31: Repeals section 713.5955, F.S.

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

Section 32: Amends subsection (3) of section 721.24, F.S.

This provision contains obsolete dated language regarding fire safety.

Section 33: 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 34: 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 35: Provides this act shall take effect July 1, 2001.

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 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.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None

B. RULE-MAKING AUTHORITY:

None

C. OTHER COMMENTS:

None

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee on Rules, Ethics, & Elections adopted five amendments to HB 4007 at its meeting held February 20, 2001.

Amendment No. 1 – This amendment removed section 17 of the bill amending s. 456.072, F.S., this language relates to convictions, findings, adjudications, and pleas.

Amendment No. 2 - This amendment removed sections 33, 35, 36, & 37 of the bill amending or repealing four sections of Florida Statute. The first, s. 655.963, F.S., relates to financial institutions' customers' access. The second, s. 717.104, F.S., relates to state jurisdiction over outstanding traveler's checks and money orders. The third and fourth, s. 717.105, F.S. and s. 717.118, F.S., corrects a cross-reference.

Amendments No. 3 and 4 – These amendments removed portions of section 27 of the bill amending subsection (6) of s. 629.401, F.S., relating to insurance exchange.

Amendment No. 5 - This amendment removed section 1 of the bill repealing paragraph (b) of subsection (2) of s. 20.055, F.S., relating to agency inspectors general.

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VII. SIGNATURES:

COMMITTEE ON RULES, ETHICS, & ELECTIONS:

Prepared by:

Staff Director:

Matthew R. Mucci

R. Philip Twogood, Ph.D.