

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1766

SPONSOR: Senator McKay

SUBJECT: Obsolete, Expired, or Repealed Provisions of law

DATE: March 15, 2000 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Liem</u>	<u>Wilson</u>	<u>HC</u>	<u>Favorable</u>
2.	_____	_____	<u>RC</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

Senate Bill 1766 repeals or amends various provisions of law that are obsolete, have had their effect, or have been impliedly repealed or superseded, related to the Agency for Health Care Administration, the public health functions of the Department of Health, and minimum surplus requirements for prepaid limited health service organizations. The bill also repeals provisions of statute, Laws of Florida, and the General Appropriations Act which relate to several work groups, task forces, and study panels whose work has been, or will be, completed by July 1, 2000.

The bill amends the following sections of Florida Statutes: 154.011(1), 154.308(1), 154.309(1), 20.42(2)(b) and (c), 409.9117(2)(h), 408.061(4)(a), 408.15(6) and (7), 408.301, 408.704 (5)(b), 408.7071, 636.045, and proviso language following Specific Appropriation 224 of ch. 99-226, L.O.F., the General Appropriations Act.

The bill repeals the following sections of Florida Statutes: 154.013, 154.12(2), 154.3105, 381.0408, 408.0014, 408.002, 408.004, 408.005, 408.006, 408.01, 408.02(9), 408.062 (1)(g), 409.908(12)(c) and (22), 514.081, 859.03, and 859.05, F.S.

The bill repeals s. 35, ch. 93-129, Laws of Florida; s.19, ch. 96-403, L.O.F.; s.3, ch. 98-21, L.O.F.; s. 1, ch. 98-305, L.O.F.; s. 4, ch. 99-214, L.O.F.; s.6, ch. 99-393, L.O.F.; and s. 192, ch. 99-397, L.O.F.

II. Present Situation:

During the 1999-2000 legislative session interim, staff of the House of Representatives reviewed each chapter of the five volumes of the Florida Statutes to find provisions which were outdated or obsolete. Upon completion of the first draft, staff of Senate counterpart committees reviewed the work product to further refine the sections identified. The final list of some one thousand original sections of Florida law contained an identification of statutory sections which shared one or more of the following characteristics:

1. A reference to a dormant board, council or other non-governing authority;
2. A provision rendered obsolete due to the passage of time;
3. A requirement which was nonrecurring due to the completion of the activity;
4. A statement of legislative intent, findings or purpose so generalized as to provide no specific interpretive guidance on the context or particularity of the statute or its application;
5. A cross-reference to another section which was otherwise repealed;
6. The use of boilerplate language, such as a severability clause, which is assumed as part of legislative style and drafting or of judicial interpretation;
7. The creation of a short title, or popular name, unrelated to the purpose of the statute;
8. The use of archaic language or descriptions;
9. A redundancy in text or reference no longer needed.

III. Effect of Proposed Changes:

The bill repeals or amends various provisions of law that are obsolete, have had their effect, or have been impliedly repealed or superseded. The bill repeals provisions of statute, Laws of Florida, and the General Appropriations Act which relate to several work groups, task forces, and study panels whose work has been, or will be, completed by July 1, 2000.

Section 1. Repeals s. 154.013, F.S., relating to non-functional county primary health care panels.

Section 2. Amends s. 154.011(1), F.S., relating to county health department primary care services, to conform to the deletion of the primary care panel in the previous section of the bill, and to delete reference to a date that has passed.

Section 3. Repeals subsection (2) of s. 154.12, F.S., which requires county health trusts to operate in accordance with s. 732.29, F.S., relating to filing of caveats, a provision which was repealed in 1974.

Section 4. Repeals s. 154.3105, F.S., relating to a rule development work group for purposes of the Florida Health Care Responsibility Act, or HCRA.

Section 5. Amends s. 154.308(1), F.S., relating to patient eligibility under HCRA, to delete reference to rule making under s. 154.3105, F.S., in conformity with the previous section of the bill.

Section 6. Amends s.154.309(1), F.S., relating to certification of county of residence under HCRA, to delete reference to rule making under s. 154.3105, F.S., in conformity with section 4 of the bill.

Section 7. Repeals s. 381.0408, F.S., relating to the Public Health Partnership Council on Stroke, a short-term advisory group whose mission has been completed, and that is no longer funded.

Section 8. Repeals s. 408.0014, F.S., relating to the now defunct Florida Health Access Corporation Board of Directors.

Section 9. Amends paragraphs (b) and (c) of subsection (2) of s. 20.42, F.S., relating to the organization of the Agency for Health Care Administration, to delete reference to the Florida Health Plan and the Florida Health Access Corporation.

Section 10. Amends paragraph (h) of subsection (2) of s. 409.9117, F.S., relating to the collaboration requirements for hospitals under the Primary Care Disproportionate Share Program, to delete reference to the Florida Health Access Corporation.

Section 11. Repeals the following sections of the Florida Statutes relating to various aspects of the Florida Health Plan, a 1992 directive that has served its usefulness:

s. 408.002, F.S., Florida Health Plan, findings and intent;

s. 408.004, F.S., Florida Health Plan, creation;

s. 408.005, F.S., Florida Health Plan, findings and intent;

s. 408.006, F.S., Florida Health Plan, goals and report.

Section 12. Amends paragraph (a) of subsection (4) of s. 408.061, F.S., relating to health facility data collection and financial reporting, to delete reference to the Florida Health Plan.

Section 13. Amends subsections (6) and (7) of s. 408.15, F.S., relating to responsibilities of the Agency for Health Care Administration, to delete reference to the Florida Health Plan.

Section 14. Amends s. 408.301, F.S., relating to legislative findings regarding access to quality, affordable health care, to delete reference to the Florida Health Plan.

Section 15. Amends paragraph (b) of subsection (5) of s. 408.704, F.S., relating to a data system for accountable health partnerships, to delete reference to the Florida Health Plan, and to delete reference to a date that has passed.

Section 16. Repeals s. 408.01, F.S., relating to voluntary private health insurance coverage and insurance cost containment. The provisions of this section, created as part of the Florida Health Plan language, are out of date and serve no purpose.

Section 17. Repeals subsection (9) of s. 408.02, F.S., relating to an out-of-date provision requiring a demonstration project on the effectiveness of practice parameters with regard to the costs of defensive medicine and professional liability insurance.

Section 18. Repeals paragraph (g) of subsection (1) of s. 408.062, F.S., relating to an alternative system for hospital financial reporting, the recommendations and report from which were to be completed by July 1, 1993.

Section 19. Amends s. 408.7071, F.S., relating to the responsibility of the Agency for Health Care Administration to develop a standardized claim form, to delete reference to an outdated advisory group and form completion in conjunction with the completion of the Florida Health Plan.

Section 20. Repeals paragraph (c) of subsection (12) of s. 409.908, F.S., relating to a December 31, 1996, report regarding monitoring of implementation of the resource-based relative value scale fee schedule under Medicaid, and subsection (22) of that section which self-repealed on July 1, 1999.

Section 21. Repeals s. 514.081, F.S., relating to a 1978 saving clause for rules relating to the Department of Health's public swimming and bathing facilities functions.

Section 22. Amends s. 636.045, F.S., relating to minimum surplus requirements for prepaid limited health service organizations, to delete outdated surplus requirements, the applicability time periods of which are passed.

Section 23. Repeals s. 859.03, F.S., relating to a law created in 1872 requiring a scarlet wrapper and plain labeling of morphine products. Chapter 465, F.S., relating to the Florida Pharmacy Act, and ch. 893, F.S., relating to drug abuse prevention and control, now adequately address these issues.

Section 24. Repeals s. 859.05, F.S., relating to a 1909 prohibition on the sale of narcotics except on prescription. Chapter 465, F.S., relating to the Florida Pharmacy Act, and ch. 893, F.S., relating to drug abuse prevention and control, now adequately address these issues.

Section 25. Repeals section 35 of ch. 93-129, Laws of Florida, relating to the Rural Hospital Work Group, the report from which was to be completed by December 31, 1993.

Section 26. Repeals section 19 of ch. 96-403, Laws of Florida, relating to the Task Force to Study the Organization and Structure of State Health programs, the report from which was to be completed by December 31, 1996.

Section 27. Repeals section 3 of ch. 98-21, Laws of Florida, relating to the Rural Hospital Redefinition Study Group, the report from which was to be completed by December 31, 1999.

Section 28. Repeals section 1 of ch. 98-305, Laws of Florida, relating to the Prostate Cancer Task Force, the report from which was to be completed by December 31, 1999, and which is scheduled for repeal on July 1, 2000.

Section 29. Repeals section 4 of ch. 99-214, Laws of Florida, relating to the School Nurse Training Study group, the report from which was to be completed by February 1, 2000.

Section 30. Repeals section 6 of ch. 99-393, Laws of Florida, relating to the Advisory Group on the Study of Submission and Payment of Health Claims, the report from which was to be completed by December 31, 1999.

Section 31. Repeals section 192 of ch. 99-397, Laws of Florida, relating to the Public Medical Assistance Trust Fund Task Force, the report from which was to be completed by December 1, 1999.

Section 32. Amends the proviso language following Specific Appropriation 224 of ch. 99-226, Laws of Florida, the 1999-2000 General Appropriations Act, to delete reference to the Medicaid Formulary Study Panel, which was to have completed its tasks by January 15, 2000.

Section 33. Provides for the bill to take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Subsections 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
