

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 1776

SPONSOR: Senator McKay

SUBJECT: Repealing Obsolete Statutory Provisions

DATE: March 8, 2000

REVISED: 3/15/00

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Rhea</u>	<u>Wilson</u>	<u>GO</u>	<u>Fav/1 amendment</u>
2.	<u></u>	<u></u>	<u>RC</u>	<u></u>
3.	<u></u>	<u></u>	<u></u>	<u></u>
4.	<u></u>	<u></u>	<u></u>	<u></u>
5.	<u></u>	<u></u>	<u></u>	<u></u>

I. Summary:

This bill repeals various statutory provisions that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded. The bill repeals or deletes provisions relating to finds with respect to the local Government Financial Technical Assistance Program; powers of the Division of Alcoholic Beverages and Tobacco vested pursuant to a repealed provision of law; selection of members to the Florida Women's Hall of Fame; and audit and report to the Legislature on state employee parking in non-state-owned parking lots; authority of the Department of Law Enforcement for fiscal year 1998-1999 to finance through the Comptroller's consolidated master equipment financing program the purchase of equipment, software, and services for the Florida Crime Information Center; and authority of the Glades School District for fiscal year 1999-2000 to give consideration to Florida vendors for a pilot program for telemedicine within the district.

This bill amends section 265.001, Florida Statutes.

This bill repeals the following sections of the Florida Statutes: 163.055(1)(a) and (b), 210.10(2), 272.161(1)(d), 287.064(9), and 287.084(3).

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of Representatives reviewed each chapter of the five volumes of the Florida Statutes to find provisions which were outdated or obsolete.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.

Section 163.055, F.S., provides for a Local Government Financial Technical Assistance Center. The purpose of the section is to provide technical assistance to municipalities and special districts to enable them to implement workable solutions to financially related problems. Subsection (1) of the section contains legislative findings that:

- ▶ Florida is a state comprised of 400 municipalities and almost 1,000 special districts statewide.
- ▶ Of the 400 municipalities in the state, over 200 have a population under 5,000.
- ▶ State and federal mandates will continue to place additional funding demands on all municipalities and special districts.
- ▶ State government lacks the specific technical expertise or resources to effectively perform ongoing educational support and financial emergency detection or assistance.

Section 210.10, F.S., delegates rulemaking authority to the Division of Alcoholic Beverages and Tobacco to implement the provisions of Part I, of ch. 210, F.S., which establishes a tax on cigarettes. The section provides that all cigarette permits must have printed on them a notice that the permit is issued subject to the provisions of law. The division is required to provide upon request, without charge to any applicant for a permit, a copy of Part I of the act, and the rules. Further, the section provides to the division, all its officer and employees under that part, in the administration of Part I, and the State Beverage Law, authority and power to administer the section. The division already has necessary authority under s. 20.165(9)(a), F.S., of this section.

Section 265.001, F.S., establishes the Florida Women's Hall of Fame. The section required the Governor to reinstate the 27 original members of the Florida Women's Hall of Fame selected during 1982, 1984, and 1986. Further, by July 1, 1992, the Florida Commission on the Status of Women was required to accept nominations for the Florida Women's Hall of Fame for 1992. The commission was required to recommend 10 persons to the Governor by October 1, 1992.

Section 272.161(1)(d), F.S., requires the Auditor General to conduct an audit of state employee parking in non-state-owned parking lots and make a recommendation to the Legislature before the 1986 session, for an equitable ratesetting mechanism to ensure that state employees, who, by job description, are required to own an automobile as a condition of employment, are not subjected to higher parking rates than the average rate for employees in state-owned parking facilities.

Section 287.064(9), F.S., provides that for the 1998-1999 fiscal year only, the Department of Law Enforcement is authorized, upon approval of the Comptroller, to finance through the Comptroller's consolidated master equipment financing program the purchase of equipment, software, application development services, support services, project management services, and system integration services for the Florida Crime Information Center. The subsection is repealed July 1, 1999.

Section 287.084(3), F.S., provides that for the 1999-2000 fiscal year only, notwithstanding any statutory authority or adopted local government policy under which the Glades School District operates, the district is authorized to give consideration to Florida vendors in the issuance of a request for proposal for a pilot program for telemedicine within the district. The subsection expired July 1, 2000.

III. Effect of Proposed Changes:

The bill repeals paragraphs (a) and (b) of subsection (1) of s. 163.055, F.S., which states that Florida is a state comprised of 400 municipalities and almost 1,000 special districts statewide and which also states that of the 400 municipalities, over 200 have a population under 500. These numbers are now obsolete and are constantly subject to change.

The bill repeals s. 210.10(2), F.S., which provides that the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation and all officers and employees of the division have all the authority and power vested in officers and employees of the division as provided by s. 561.07, F.S., and such power and authority is conferred upon the division, its officers and employees under the State Beverage Law with respect to the administration of the part.

The bill repeals subsection (3) of s. 265.001, F.S., which provided for reinstatement of the 27 original members of the Florida Women's Hall of Fame selected during 1982, 1984, and 1986. It also repeals a provision which required the Florida Commission on the Status of Women, by July 1, 1992, to accept nominations for the Florida Women's Hall of Fame for 1992 and to recommend 10 persons to the Governor by October 1, 1992.

The bill repeals s. 272.161(1)(d), F.S., which requires the Auditor General to conduct an audit of state employee parking in non-state-owned parking lots and make a recommendation to the Legislature before the 1986 session.

The bill deletes s. 287.064(9), F.S., which gave the Florida Department of Law Enforcement authority for the 1998-1999 fiscal year only, upon approval of the Comptroller, to finance through the Comptroller's consolidated master equipment financing program, the purchase of equipment, software, application development services, support services, project management services, and system integration services for the Florida Crime Information Center. The subsection was made subject to repeal July 1, 1999.

The bill deletes s. 287.084(3), F.S., which provides that for the 1999-2000 fiscal year only, notwithstanding any statutory authority or adopted local government policy under which the Glades School District operates, the district was authorized to give consideration to Florida

vendors in the issuance of a request for proposal for a pilot program for telemedicine within the district. The subsection expires July 1, 2000.

The act takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminable.

C. Government Sector Impact:

Some cost savings may be associated with removing some portions from the Florida Statutes, though the adoption of new laws may offset any cost reduction experienced from repeals.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Governmental Oversight and Productivity:

Changes the effective date of Section 6. of the bill so that s. 287.084, F.S., is not repealed until July 1, 2000.

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