

STORAGE NAME: h4007.fs

DATE: January 21, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
FINANCIAL SERVICES
ANALYSIS**

BILL #: HB 4007

RELATING TO: Florida Statutes/Repeals and Deletions

SPONSOR(S): Rules and Calendar Committee and Representative Bitner

TIED BILL(S):

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

(1) FINANCIAL SERVICES

(2)

(3)

(4)

(5)

I. SUMMARY:

Various statutory provisions have become obsolete because they have already had their effect, served their purpose, or they have been repealed or superseded by implication. This bill would delete or repeal obsolete provisions and make necessary updates to cross-references rendered obsolete by this bill.

This bill would not have a fiscal impact on state government or local governments.

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:

Various statutory provisions have become obsolete because they have already had their effect, served their purpose, or they have been repealed or superseded by implication.

C. EFFECT OF PROPOSED CHANGES:

The bill would delete obsolete provisions and make necessary updates to cross-references rendered obsolete by this bill. See the Section-by-Section Analysis.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Section 288.99, F.S., established the Certified Capital Company program (CAPCO) to provide a one-time stimulus for venture capital investments by creating incentives for insurance companies to invest in an entity known as a certified capital corporation. The application opportunity and subsequent certification process was a time specific period which has expired. The repealed provisions of this section relate to that process and the retained provisions of the statutes provide continued coverage for those CAPCO applicants that have been certified to operate.

Section 2. Section 494.00171, F.S., for a limited time period, required mortgage brokers and lenders to pay a special assessment to the Mortgage Brokerage Guaranty Fund for the purpose of honoring specific claims against an insolvent brokerage. Enough capital has been collected to satisfy these claims, so this section of the bill repeals s. 494.00171, F.S.

Section 3. Section 494.0017, F.S., provides for the transfer of funds from the Regulatory Trust Fund to the Mortgage Brokerage Guaranty Fund to pay claims against the Guaranty Fund. The revision in this section recognizes the need for continuing transfer authority to pay outstanding claims related to the section repealed in Section 2 of this bill.

Section 4. This section updates an obsolete cross-reference relating to administrative penalties and fines for the illegal sale of mortgage loans under s. 494.008, F.S. The outdated cross-reference points to a repealed section.

Section 5. This section repeals s. 495.171, F.S., which provides: 1) an effective date, and 2) that suits pending at the time of the enactment of Ch. 495, F.S., (Registration of

Trademarks and Service Marks), are not affected by the enactment. No suits pending at the time of enactment are still active.

Section 6. This section deletes certain findings in the “purpose and intent” section of the Florida Funeral and Cemetery Services Act. Section 497.002 (1), F.S.

Section 7. This section deletes the findings related to the creation of the Florida Business Coordination Act. Section 606.01 (1), F.S.

Section 8. This section repeals subsections (1) and (3) of s. 620.9901, F.S., (Revised Uniform Partnership Act). Section 620.9901, F.S., provides a two-year period in which partnerships created prior to the Revised Act can opt for immediate governance by the Act or for governance under the original laws until January 1, 1998, at which time all partnerships are governed by the Revised Act. The two-year period has since lapsed.

Section 9. This section repeals s. 621.01, F.S., containing Legislative intent language which does not identify a compelling public interest. The common name for ch. 621, F.S., is the “Professional Service Corporation and Limited Liability Company Act.”

Section 10. This section repeals Chapter 622, F.S., which governs foreign unincorporated associations. Since the Chapter’s enactment in 1947, no such associations have been in existence in Florida.

Section 11. This section amends s. 220.03(1)(e), F.S., by removing a reference to Ch. 622, F.S., which is repealed by Section 10 of this bill.

Section 12. This section repeals intent language in the Florida Control of Money Laundering in Financial Institutions Act (section 655.50, F.S.) That does not identify a compelling public interest, and renumbers subsequent subsections.

Section 13. Section 655.949, F.S., requires the Department of Banking and Finance to establish and publish educational, professional, and other appropriate personnel qualifications. This revision eliminates the effective date for that requirement which has passed.

Sections 14 and 15. Sections 655.960-965, F.S., regulate the operation of ATM machines by financial institutions and became effective on October 1, 1994. Sections 655.961 and 962, F.S., provide for a compliance grace period for certain physical regulations for those ATM’s in existence prior to that date. The grace period has expired and this section repeals the reference to it.

Section 16. Section 657.003, F.S. (Florida Credit Union Act), is a purpose statement which does not state a compelling public interest. This section repeals that statement.

Section 17. This section repeals a time-specific, one-year moratorium against the conversion of a federally chartered credit union into a state chartered credit union. Section 657.067, F.S.

Section 18. Part II of Chapter 657, F.S., was created to establish the Florida Credit Union Guaranty Corporation for the purpose of protecting the financial interests of credit union share holders until such time as the credit unions could convert to a federally insured program for that purpose. This section repeals Part II of Ch. 657, F.S., because all of the

state's credit unions have converted from private share insurance to the federal program and the guaranty corporation was dissolved on the statutorily prescribed date.

Sections 19 through 36. These sections eliminate references to the Credit Union Guaranty Corporation and the repealed Part II of Ch. 657, F.S.

Section 37. Section 658.2954, F.S., for a limited time, authorized Florida banks to relocate principal places of business to a contiguous state under certain conditions and be able to retain branches in both states. The statutory time-frame has passed and section 37 of this bill repeals s. 658.2954, F.S.

Section 38. Section 716.02, F.S., provides for the disposition of certain money or property that was in the custody of a United States court for a period of 4 years commencing June 16, 1947. That time-frame has expired and section 38 of this bill repeals that section, a reference to that section and renumbers the subsequent subsections.

Section 39. Section 717.137, F.S., provides that the reporting requirements for abandoned property effective July 1, 1987, apply to any abandoned property presumed abandoned during a 10-year period preceding July 1, 1987. Since reporting requirements have been in effect in excess of the 10-year capture period which preceded the initial reporting date, this section is no longer needed, and is repealed by this section of the bill.

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:

The bill will not reduce the authority of counties and municipalities to raise revenues.

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

This bill will not reduce the state tax shared with counties and municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

This bill does not raise any constitutional issues.

B. RULE-MAKING AUTHORITY:

This bill neither expands nor restricts the rule-making authority of the state or local agencies.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON FINANCIAL SERVICES:

Prepared by:

Staff Director:

Michael Kliner and William Garner

Susan F. Cutchins