

STORAGE NAME: h4011.rs

DATE: January 6, 2000

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

BILL #: HB 4011 (PCB RC 00-06)

RELATING TO: Florida Statutes/Repeals and Deletions

SPONSOR(S): Committee on Rules and Calendar and Rep. Bitner

TIED BILL(S): none

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

- (1) RULES AND CALENDAR YEAS 17 NAYS 0
 - (2) REGULATED SERVICES
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

HB 4011 was filed by the Rules Committee as a result of the Speaker's directive that they, in conjunction with substantive committees, identify statutes that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded.

This bill amends several areas of law, including regulation of tobacco, pari-mutuel wagering and explosives. All proposed changes are technical or clarifying in nature.

The bill has no fiscal impact on state 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:

Department of the Lottery

Section 15, Article X of the State Constitution authorizes a state lottery. Chapter 24 and s. 20.317, F.S., provide the regulatory structure and create the Department of the Lottery. Section 24.104, F.S., duplicates the language of s. 20.317, F.S., and also provides a statement of purpose for operation of the Lottery. Section 24.105, F.S., sets forth the powers and duties of the Lottery.

Department of Business and Professional Regulation

The Department of Business and Professional Regulation, which has regulatory authority over tobacco, alcoholic beverages and pari-mutuel wagering activities, was created by s. 20.165, F.S.

Alcoholic Beverages and Tobacco

The alcoholic beverage law consists of Chapters 561 through 565 and chapters 567 and 568, F.S. Former s. 561.07, F.S., addressed the law enforcement powers of the Division of Alcoholic Beverages and Tobacco. That statute was repealed by Chapter 95-346, Laws of Florida and similar statutory language was created in s. 20.165, F.S., by that same act.

Chapters 210 and 569, F.S., provide the regulatory and tax structure for Florida's tobacco laws. Section 210.10, F.S., grants the Division of Alcoholic Beverages and Tobacco authority to promulgate rules and enforce the tobacco statutes and contains a reference to s. 561.07, F.S., mentioned above, which is obsolete.

Section 210.151, F.S., regarding initial temporary cigarette and other tobacco product permits and s. 210.405, F.S., are identical. Likewise, s. 210.1605, F.S., regarding renewal of permits and s. 210.51, F.S., are identical.

Pari-Mutuel Wagering

Pari-mutuel wagering activities are regulated pursuant to Chapters 550 and 849, Florida Statutes. Subsections (2), (3) and (10) of section 550.01215, F.S., contain obsolete date

provisions allowing exceptions to the times within which pari-mutuel facilities must apply for operating dates. Similarly, s. 550.09514, F.S., contains an obsolete provision which provides for a partial first year phase in of purse payments and an obsolete date for beginning full year and continuing purse requirements.

Section 550.72, F.S., required the Department of State, in conjunction with the office of the mayor of the City of Hialeah, to conduct a comprehensive study of the feasibility of state or municipal ownership of Hialeah Park and its operation of a limited race meet. This statute required this evaluation to be completed, with definitive recommendations, no later than January 31, 1999. The Final Feasibility Report, the Pari-mutuel Permit Appraisal and the Appraisal of the Land and Facilities of Hialeah Park were completed on January 21, 1999 and were presented to the required constitutional officers as directed by statute.

Department of Insurance

Chapter 552, F.S., regulates the manufacture, distribution and use of explosives in the state and the Division of State Fire Marshal of the Department of Insurance is given regulatory authority. Section 552.093(2), F.S., contains an obsolete grandfather clause authorizing the issuance of an explosive license for 1977-78 without taking a competency exam to persons holding a license in the prior year.

C. EFFECT OF PROPOSED CHANGES:

This bill makes technical and clarifying changes to several areas of law, including the lottery, and the regulation of alcohol, tobacco and explosives. Please see B. PRESENT SITUATION and D. SECTION-BY-SECTION ANALYSIS for more detail.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends s. 24.104, F.S., to delete language which is replicated in s. 20.317, Florida Statutes. This section retains the statement of purpose for operation of the Lottery.

Section 2. Amends s. 24.105, F.S., to delete obsolete language specifying the dates for the start-up of instant and on-line lottery tickets.

Section 3. Amends s. 210.10, F.S., to correct a cross-reference relating to the Division's arrest powers.

Sections 4 - 7. Amends ss. 210.151, 210.1605, 210.405 and 210.51, F.S., to delete redundant language by separating provisions relating to cigarettes from those relating to other tobacco products.

Section 8. Amends s. 550.01215, F.S., to delete obsolete date provisions relating to times within which pari-mutuel facilities must apply for operating dates.

Section 9. Amends s. 550.09514, F.S., to delete obsolete provisions relating to purse payments for greyhounds.

Section 10. Repeals s. 550.72, F.S., which authorized the Hialeah Park Feasibility Study.

Section 11. Amends s. 552.093, F.S., to delete an obsolete grandfather clause authorizing the issuance of explosive licenses in 1977-1978.

Section 12. Provides that the act will take effect upon becoming a law.

III. **FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:**

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. **Revenues:**

The bill will have no impact on state revenue collections.

2. **Expenditures:**

The bill will have no impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. **Revenues:**

The bill will have no impact on local government revenue collections.

2. **Expenditures:**

The bill will have no impact on local government expenditures.

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 any 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 state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

The powers, duties and function of the Office of Legislative Services, Division of Statutory Revision is set forth in s. 11.242, F.S. Pursuant to the directive contained in that section, to conduct a systematic and continuing study of the statutes for the purpose of reducing their number and bulk, removing inconsistencies, redundancies, and unnecessary repetitions, the division annually prepares and submits "reviser's bills" to the House and Senate. Statutory Revision has submitted eleven such reviser's bills for the 2000 Legislative Session.

Many of the components of HB 4011 are also contained in one or more of these Reviser's bills. Therefore, to avoid duplication and confusion, an amendment has been drafted which removes from HB 4011 all those statutes which are also addressed in one of the Reviser's bills.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON REGULATED SERVICES:

Prepared by:

Staff Director:

Janet Clark Morris

Paul Liepshutz