

STORAGE NAME: h4023s1.grr

DATE: February 11, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
GOVERNMENTAL RULES AND REGULATIONS
ANALYSIS**

BILL #: CS/HB 4023 (PCB RC 00-12)

RELATING TO: Florida Statutes

SPONSOR(S): Committee on Governmental Rules & Regulations; Rules and Calendar and Representative Sublette

TIED BILL(S): None

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

- (1) RULES AND CALENDAR YEAS 15 NAYS 0
 - (2) GOVERNMENTAL RULES AND REGULATIONS YEAS 6 NAYS 0
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

This bill repeals portions of Fla. Stat. Ch. 120, the Administrative Procedure Act, that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded.

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:

The Committee on Governmental Rules and Regulations was asked 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if those sections have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded.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 committee identified a number of such sections and referred that information to the House Committee on Rules and Calendar, which resulted in the drafting and passage of Proposed Committee Bill RC 00-12. The Proposed Committee Bill is now before the Committee on Governmental Rules and Regulations as House Bill 4023. See "Section-by-Section Analysis" for present situation on each of the sections of the bill.

C. EFFECT OF PROPOSED CHANGES:

N/A

D. SECTION-BY-SECTION ANALYSIS:

Section one. Repeals portions of Fla. Stat. s. 120.536(2)(a) relating to the 1998 rule review and authorization process which concluded July 1, 1999; retaining the authority for the Joint Administrative Procedures Committee (JAPC) or a substantially interested person to petition, after July 1, 1999, the agency to initiate the repeal of a rule identified under Fla. Stat. s. 120.536(2)(a) but not authorized by the Legislature.

Section two. Repeals Fla. Stat. s. 120.695(2)(b) - (e). This section required state agencies to identify and designate rules for which a violation is a minor violation. This identification and designation concluded January 1, 1996; retaining a portion of (2)(b), authorizing an agency under the direction of a cabinet officer to use discretion when issuing a notice of noncompliance when the licensee is notified of the rules designated under the section.

Section three. Provides that the act takes effect upon becoming law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

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

N/A

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The committee adopted a series of amendments to preserve certain authority identified for repeal, and to remove a section addressed in a Reviser's bill. These amendments are incorporated in the committee substitute.

Amendment one amends the bill to retain the authority for the Joint Administrative Procedures Committee (JAPC) or a substantially interested person to petition the agency to initiate the repeal of a rule identified under Fla. Stat. s. 120.536(2)(a) but not authorized by the Legislature after July 1, 1999.

Amendment two retains certain provisions of Fla. Stat. s. 120.695 (2)(b) and (f) concerning the issuance of a notice of noncompliance provided certain conditions are met, and shielding the decision to designate rules under this section from administrative challenge.

Amendment three removed section two of the bill, repealing Fla. Stat. s. 120.574(2)(g), as it is included in a Reviser's Bill and must be stricken from this bill.

VII. SIGNATURES:

COMMITTEE ON GOVERNMENTAL RULES AND REGULATIONS:

Prepared by:

Staff Director:

David M. Greenbaum

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