

STORAGE NAME: H4025.FLC

DATE: January 18, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
FAMILY LAW AND CHILDREN
ANALYSIS**

BILL #: HB 4025 (PCB RC 00-13)

RELATING TO: Florida Statutes/Repeals

SPONSOR(S): Committee on Rules and Calendar

TIED BILL(S): None

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

- | | | | |
|-----|-------------------------|---------|--------|
| (1) | RULES AND CALENDAR | YEAS 15 | NAYS 0 |
| (2) | FAMILY LAW AND CHILDREN | | |
| (3) | | | |
| (4) | | | |
| (5) | | | |
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I. SUMMARY:

This bill repeals statutes that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded.

This bill does not appear to have a 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:

The Committee on Family Law and Children 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if those sections have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded.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 00-13 by that committee. That Proposed Committee Bill is now before the Committee on Family Law and Children as House Bill 4025. See "Section-by-Section Analysis" for the present situation on each of the sections of the bill.

C. EFFECT OF PROPOSED CHANGES:

See "Section-by-Section Analysis."

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends subsection (7) and paragraph (b) of subsection (8) of s. 39.001, F.S.

Chapter 39 relates to proceedings relating to children. This section describes the purposes and intent of the chapter, and personnel standards and screening. Subsection (7) paragraph (a) requires that the Department of Children and Family Services develop a state plan for the prevention of abuse, abandonment, and neglect of children, and submit such plan to the Speaker of the House of Representatives, the President of the Senate, and the Governor no later than January 1, 1983. Accordingly, this paragraph has been impliedly repealed. The remaining portions of subsection (7) relate to the development of the comprehensive state plan.

The repeal of paragraph (a) would remove the authorization and charge, granted to the Department by the legislature, to develop a state plan, thus possibly rendering the remaining paragraph invalid.

Subsection (8), paragraph (b), is amended to remove a cross-reference.

Section 2. Amends s. 39.0015, F.S.

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This section relates to child abuse prevention training in the district school system. The bill removes subsection (2), the legislative intent. The bill also repeals paragraph (6)(b), subsection (5), which provides for the Department of Children and Family Services to select and awards grants for the establishment of three private, nonprofit prevention training centers, by January 1, 1986. The Department carried out the directive by the effective date.

Section 3. Amends paragraph (b) of subsection (2) of s. 390.01115, F.S.

This section relates to Parental Notice of Abortion Act and corrects a cross-reference.

Section 4. Repeals subsections (2) and (4) of s. 39.3065, F.S.

This section relates to the Sheriffs of Pasco, Manatee, and Pinellas Counties to provide child protective investigative services. Subsection (2) provides for a contract between the Department of Children and Family Services and the sheriffs of Pasco, Manatee, and Pinellas Counties for the initial year of transition, fiscal year 1999-2000, for child protective investigative services. The subsection also provides for submission of a report, by the department, to the President of the Senate, Speaker of the House of Representatives, and the chairs of the Senate and House committees that oversee departmental activities, by January 15, 1999. The directive has been carried out by the effective date and the section is now obsolete.

Subsection (4) provides for the Sheriff of Broward County to perform the same child protective investigative services according to the same standards as are performed by the sheriffs of Pinellas, Manatee, and Pasco counties, for the fiscal year 1999-2000. The subsection is now obsolete.

Section 5. Repeals s. 39.817, F.S.

This section relates to the foster care privatization demonstration pilot project, established through the Ounce of Prevention Fund of Florida. The section requires that the Ounce of Prevention Fund contract with a private entity for a foster care privatization demonstration project. This section was enacted into law during the 1998 legislative session. It provides no expected starting or completion dates, and gives no time frames. Consequently, the pilot project has only just begun, recently, and repeal of this section would end the project prior to obtaining any useful information.

Section 6. Repeals subsection (1) of s. 39.824, F.S.

This subsection requests that the Supreme Court adopt rules of juvenile procedure by October 1, 1989, to implement this section. The Supreme Court adopted such rules by the requested date, and the subsection is now obsolete.

Section 7. Repeals s. 61.001, F.S.

This section provides for the purpose of Chapter 61, Dissolution of Marriage; Support; Custody. The bill removes the purpose language.

Section 8. Repeals subsection (2) of s. 61.043, F.S.

This subsection provides for the completion of an anonymous questionnaire, upon filing for dissolution of marriage. The questionnaires would then be used by researchers from the Florida State University Center for Marriage and Family. The Florida State University

Center for Marriage and Family formulated and distributed the questionnaires to the clerks of the circuit courts. In August, 1999, the Center obtained more than 3000 questionnaires from the clerks, collecting enough data for research purposes. Accordingly, this section has served its purpose.

Section 9. Repeals subsections (11) and (12) of s. 61.181, F.S.

This section relates to the central depository for receiving, recording, reporting, monitoring, and disbursing alimony, support, maintenance, and child support payments. Subsection (11) provides for a program audit of the central child support enforcement depositories by the Office of Program Policy Analysis and Government Accountability. The subsection requires that the audit be completed and a report submitted by December 1, 1996. The audit has been completed and the report has been submitted. Therefore, the subsection is obsolete.

Subsection (12) provides for an evaluation of the Dade County Child Support Enforcement demonstration project and for the Manatee County Child Support Enforcement demonstration project by the Office of Program Policy Analysis and Government Accountability, to be completed and reported on by January 1, 1999. The report was completed, and the subsection is now obsolete.

Section 10. Repeals paragraph (b) of subsection (2) and subsection (3) of s. 61.1812, F.S.

This section relates to the Clerk of the Court Child Support Enforcement Collection System Trust Fund. Paragraph (b) of subsection (2) requires that all receipts relating to federal incentive payments in the Department of Revenue's Grants and Donations Trust Fund be transferred to the Child Support Incentive Trust Fund on July 1, 1996. The transfer was completed and this paragraph is now obsolete.

Subsection (3) relates to credited funds to the trust fund for fiscal year 1998-1999. The subsection provides a repeal date of July 1, 1999. The subsection is now obsolete.

Section 11. Repeals s. 61.182, F.S.

This section relates to the Child Support Depository Trust Fund. Chapter 99-205, Laws of Florida, provided for repeal of this section effective July 1, 2000. The section is now obsolete.

Section 12. Amends s. 61.1826, F.S.

This section relates to the procurement of services for State Disbursement Unit and the non-Title IV-D component of the State Case Registry. The bill removes the language describing the legislative findings. This language provides the directive for the Department of Revenue to contract with the Florida Association of Court Clerks for the operation and maintenance of the State Disbursement Unit, and as such, an adverse situation may arise if the language is repealed.

Section 13. Repeals s. 63.022, F.S.

This section provides the legislative intent for Chapter 63, the Florida Adoption Act. The bill removes the intent language.

Section 14. Amends paragraph (a) of subsection (8) of s. 402.165, F.S.

This section relates to the Statewide Human Rights Advocacy Committee and corrects a cross-reference.

Section 15. Amends paragraph (a) of subsection (8) of s. 402.166, F.S.

This section relates to the district human rights advocacy committee and corrects a cross-reference

Section 16. Repeals s. 63.043, F.S.

This sections relates to the prohibition of mandatory screening or testing for sickle-cell trait. The bill repeals this section because the prohibition is provided for in other chapters of the statutes. See ss. 228.201 and 448.076, F.S. By removing the reference to the prohibition from the chapter on adoption, it may not be clear that the prohibition applies to adoption proceedings.

Section 17. Repeals subsection (1) of s. 409.152, F.S.

This section relates to service integration and family preservation. The subsection provides the legislative intent for the section. The bill removes the intent language.

Section 18. Repeals s. 409.2551, F.S.

This section relates to the legislative intent regarding the remedies available for the family desertion and non-support of dependent children. The bill removes the intent language.

Section 19. Amends subsection (1) of s. 61.13015, F.S.

This section relates to petition for suspension or denial of professional licenses and certificates and corrects a cross-reference.

Section 20. Amends paragraph (a) of subsection (5) of s. 61.14, F.S.

This section relates to enforcement and modification of support, maintenance, or alimony agreements or orders and corrects a cross-reference.

Section 21. Amends s. 291.097, F.S.

This section relates to the suspension or denial of teaching certificate due to child support delinquency and corrects a cross-reference.

Section 22. Amends subsection (1) of s. 328.42, F.S.

This section relates to the suspension or denial of a vessel registration due to child support delinquency and corrects a cross-reference.

Section 23. Amends subsection (1) of s. 409.2598, F.S.

This section relates to the suspension or denial of new or renewal licenses and corrects a cross-reference.

Section 24. Amends subsection (9) of s. 455.203, F.S.

This section relates to the powers and duties of the Department of Business and Professional Regulation and corrects a cross-reference.

Section 25. Amends subsection (9) of s. 455.521, F.S.

This section relates to the powers and duties of the Department of Health and corrects a cross-reference.

Section 26. Amends subsection (3) of s. 559.79, F.S.

This section relates to applications for license or renewal and corrects a cross-reference.

Section 27. Amends subsection (15) of s. 39.01, F.S.

This section provides definitions for Chapter 39. The bill corrects a cross-reference.

Section 28. Amends s. 409.2554, F.S.

This section provides definitions relating to child support enforcement. The bill corrects a cross-reference.

Section 29. Amends subsection (10) of s. 984.03, F.S.

This section provides definitions relating to children and families in need of services. Subsection (10) is the definition for "child support." The bill corrects a cross-reference.

Section 30. Amends subsection (11) of s. 985.03, F.S.

This section provides definitions relating to the juvenile justice system. Subsection (11) is the definition for "child support." The bill corrects a cross-reference.

Section 31. Repeals subsection (1) of s. 409.25575, F.S.

This section relates to child support enforcement and privatization. Subsection (1) is the legislative intent. The bill removes the intent language.

Section 32. Repeals s. 409.2559, F.S.

This section relates to the state disbursement unit. As required by federal law, the Department of Revenue was required to establish and operate a state disbursement unit by October 1, 1999. The Department has complied with this directive, but may need this section for statutory authority.

Section 33. Repeals ss. 708.05, 708.08, 708.09, and 708.10, F.S.

These sections relate to married women's property. This bill repeals those sections. According to the staff of the Committee on Real Property and Probate, these sections contain language pertinent to real property issues and should not be repealed.

Section 34. Repeals ss. 741.03055 and 741.03056, F.S.

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Section 741.03055, F.S., relates to review of premarital preparation courses, pilot programs, and questionnaires and curriculum. The directives have been carried out and the section is now obsolete.

Section 741.03056, F.S., relates to the completion of an informational questionnaire, when applying for a marriage license. The questionnaires would then be used by researchers from the Florida State University Center for Marriage and Family. The Florida State University Center for Marriage and Family formulated and distributed the questionnaires to the clerks of the circuit courts. In August, 1999, the Center obtained more than 3000 questionnaires from the clerks, collecting enough data for research purposes. Accordingly, this section has served its purpose.

Section 35. Repeals s. 741.2902, F.S.

This section relates to domestic violence and the legislative intent with respect to the judiciary's role. The bill removes the intent language.

Section 36. Repeals subsection (1) of s. 741.32, F.S.

This section relates to certification of batterers' intervention programs. The subsection provides the legislative intent. The bill removes the intent language.

Section 37. Repeals s. 741.401, F.S.

This section relates to the legislative intent for the establishment of the Address Confidentiality program. The bill removes the intent language.

Section 38. Amends s. 741.402, F.S.

This section provides definitions for the Address Confidentiality program. The bill corrects cross-references.

Section 39. Amends paragraph (a) of subsection (2) of s. 741.405, F.S.

This section relates to agency use of a designated address. The bill corrects a cross-reference.

Section 40. Repeals s. 751.01, F.S.

This sections relates to the purpose of the Temporary Custody of Minor Children by Extended Family Act. The bill removes the purpose language.

Section 41. Amends subsection (14) of s. 49.011, F.S.

This section relates to service of process by publication and the cases in which it is allowed. Subsection (14) provides that service of process by publication may be made in proceedings for the temporary custody of a minor child. The bill corrects a cross-reference.

Section 42. Amends s. 751.011, F.S.

This section provides definitions for the Chapter 751, temporary custody of minor children by extended family. The bill corrects a cross-reference.

Section 43. Amends s. 751.04, F.S.

This section relates to notice and opportunity to be heard. The bill corrects a cross-reference.

Section 44. Repeals s. 753.004, F.S.

This section relates to supervised visitation projects. The directives have been carried out and the section is now obsolete.

Section 45. Provides that this act shall take effect upon becoming a law.

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:

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 a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

Concerns have been raised by various entities about deleting certain provisions. The committee has prepared a strike everything amendment that should address these concerns.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON FAMILY LAW AND CHILDREN:

Prepared by:

Staff Director:

Maggie Geraci

Carol Preston