

STORAGE NAME: h4025s1.flc

DATE: February 8, 2000

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

BILL #: CS/HB 4025

RELATING TO: Florida Statutes/Repeals

SPONSOR(S): Committees on Family Law and Children and Rules and Calendar, and Representative Byrd

TIED BILL(S): None

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

- (1) RULES AND CALENDAR YEAS 15 NAYS 0
 - (2) FAMILY LAW AND CHILDREN YEAS 8 NAYS 0
 - (3)
 - (4)
 - (5)
-

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repeals statutes that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded.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if those sections have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded.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. The Proposed Committee Bill came 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. 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 2. 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 3. Repeals s. 61.182, F.S.

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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 4. 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 5. Repeals ss. 741.03055 and 741.03056, F.S.

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 6. 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 7. 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:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On February 7, 2000, the Committee on Family Law and Children adopted a strike-everything amendment and made the bill a committee substitute. Section 1 of the bill was removed by the amendment because repeal of the paragraph would have removed the authorization and charge to the Department of Children and Family Services, to develop a state plan, and would have rendered the rest of the statute invalid. Section 5 of the bill, relating to a pilot project, was

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removed by the amendment because the project is not yet complete. Section 16 of the bill, relating to a prohibition of sickle-cell testing in adoption cases, was removed by the amendment because 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 33 of the bill, relating to married women's property, was removed by the amendment because these sections of the statute contain language pertinent to real property issues. The amendment also removed sections 2, 7, 12-13, 17-18, 31, 35-37, and 40, that would have deleted legislative intent. Accordingly, sections 3, 14-15, 19-30, 38-39, and 41-43, were removed from the bill deleting cross-references to those sections containing legislative intent. Finally, sections 4, 9, and 10 were removed from the bill by amendment because these sections are addressed in a reviser bill. The provisions of the amendment are incorporated in this analysis.

VII. SIGNATURES:

COMMITTEE ON FAMILY LAW AND CHILDREN:

Prepared by:

Staff Director:

Maggie Geraci

Carol Preston