

**STORAGE NAME:** h4047s1.cp

**DATE:** February 21, 2000

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
CRIME & PUNISHMENT  
ANALYSIS**

**BILL #:** CS/HB 4047 (PCB RC 00-24)

**RELATING TO:** Florida Statutes/Repeals

**SPONSOR(S):** Committee on Crime & Punishment and Committee on Rules & Calendar and Representative Crist

**TIED BILL(S):**

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

- (1) RULES AND CALENDAR YEAS 16 NAYS 0
  - (2) CRIME & PUNISHMENT YEAS 4 NAYS 0
  - (3)
  - (4)
  - (5)
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**I. SUMMARY:**

This committee substitute repeals provisions that have become obsolete or that no longer serve any purpose. The following provisions are repealed by this committee substitute:

- Section 16.55 which required the attorney general's office to develop model training materials no later than July of 1988 for local governments on how to reduce commercial crime exposure through environmental design.
- Subsection (1) of section 27.181 which provides for the transitional period from elected to appointed assistant state attorneys which has been completed.
- A portion of section 27.58 which provides for the transitional period from elected to appointed assistant public defenders.
- Section 213.305 which provides a penalty for a tax violation for a time period that has expired.
- Section 790.22(4)(c) which required the Department of Juvenile Justice to establish community service programs no later than July 1, 1994.

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 Crime & Punishment staff was asked to review a number of sections of the Florida Statutes to determine if those sections have become obsolete, have served their purpose, or have been impliedly repealed or superseded. The committee staff identified several 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 00-24 by that committee.

C. EFFECT OF PROPOSED CHANGES:

See Section-by-Section Analysis.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Section 16.55 requires the Attorney General's office to develop model training materials for local governments on how to reduce commercial crime exposure through environmental design including information on lighting, cash-handling procedures, obstructed vision, traffic flow, counter placement, and staffing. The training materials were to be distributed no later than July 1988. Committee staff contacted the Attorney General's office and were informed that the materials had been developed and that this section could be repealed.

Section 2: Before 1967, assistant state attorneys were elected officers. Section 27.181(1) provides that upon the expiration of the term of office being served by each assistant state attorney, the office would be abolished and the position would then be appointed by the state attorney. This subsection providing for the transitional period to appointed state attorneys is no longer necessary because all assistant state attorneys now work at the pleasure of the state attorney.

Section 3: Section 27.58 deals with the transitional period to appointed assistant public defenders. A portion of the section is no longer necessary and provides that "[t]his act shall not repeal but shall be supplementary to any local law or ordinance heretofore providing for a public defender or assigned defense counsel in any county or counties of the state, and the public defender in such county or counties may continue to operate under such prior act or ordinance to the extent determined by the board of county commissioners". The

remainder of the section provides that the public defender shall be the chief administrator of all public defender services within the circuit whether such services are rendered by the state or county public defenders. This portion will be retained in statute.

Section 4: Section 213.305 provides that except for violations for which the period of time for bringing an action or enforcing a lien has expired prior to July 1, 1988, the penalties provided in ss. 49 through 98 of chapter 87-6, Laws of Florida, are applicable to the failure to pay taxes which are due before and remain unpaid on July 1, 1988. Staff contacted the Department of Revenue and were informed that this section is no longer used and could be repealed.

Section 5: Section 790.22(4) prohibits any parent from permitting a minor to possess a firearm and provides that the child possesses a firearm, the parent may be required to participate in classes on parenting. Paragraph (c) provides that no later than July 1, 1994, the district juvenile justice boards or county juvenile justice councils or the Department of Juvenile Justice shall establish appropriate community service programs to be available to the alternative sanctions coordinators of the circuit courts in implementing this subsection. The boards or councils or department were required to propose the implementation of a community service plan in each circuit. HB 4047 repeals paragraph (c) of section 790.22(4).

Section 6: Fixes statutory cross references.

Section 7: Fixes statutory cross references.

Section 8: Provides that 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 committee substitute 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 committee substitute 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 committee substitute 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:

At the meeting of the Committee on Crime & Punishment, Representative Smith offered an amendment. The public defender's office requested that part of section 27.58 not be repealed. As a result of the amendment, section 27.58 would read as follows: "[T]he public defender of each judicial circuit of the state shall be the chief administrator of all public defender services within the circuit whether such services are rendered by the state or county public defenders". The bill with this amendment was make a committee substitute.

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VII. SIGNATURES:

COMMITTEE ON CRIME & PUNISHMENT:

Prepared by:

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