

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Commerce and Tourism Committee

BILL: CS/SB 1346

INTRODUCER: Commerce and Tourism Committee

SUBJECT: Obsolete References and Programs

DATE: March 16, 2011 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hrdlicka	Cooper	CM	Fav/CS
2.			CF	
3.			GO	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

CS/SB 1346 (the bill) is the result of a review of obsolete references in Florida Statutes to the former Departments of Labor and Employment Security, and Commerce.

There are 35 references to the former Department of Labor and Employment Security, or one of its former programs, and there are 10 references to the Florida Department of Commerce still remaining in Florida Statutes. Additionally, other statutes have been identified that relate to programs related to or within a department that were obsolete prior to department abolishment.

This bill amends the following sections of the Florida Statutes: 14.2015, 20.18, 45.031, 69.041, 112.044, 212.20, 252.85, 252.87, 252.937, 287.09431, 287.09451, 287.0947, 288.021, 288.035, 288.1168, 288.1229, 288.1169, 331.369, 377.711, 377.712, 409.2576, 414.24, 414.40, 440.385, 440.49, 450.161, 464.203, 469.002, 489.1455, 489.5335, 553.62, 597.006, 944.012, and 944.708.

This bill repeals the following sections of the Florida Statutes: 288.038, 446.60, 255.551-255.563, and 469.003(2)(b).

II. Present Situation:

Senate Interim Report 2011-107, Identification, Review, and Recommendations Relating to Obsolete Statutory References to the former Florida Departments of Labor and Employment Security, and Commerce:¹

- Reviewed the abolishment of the programs and divisions of the former departments;
- Identified current Florida Statutes that referenced these past programs, divisions, or departments;
- Reviewed the obsolete statutory references identified, researched the underlying legislative history of each reference, and worked with appropriate state agencies and other Senate committees to develop recommendations to resolve the obsolete references; and
- Recommended that the references be either retained in statute, deleted or repealed from the statute or provision, or updated to reference the appropriate agency or current practice.

Department of Labor and Employment Security

The Department of Labor and Employment Security (DLES) was created in 1978 when it was removed from the Florida Department of Commerce.² It consisted of one administrative support division, six program divisions, and administratively housed several independent entities.³

The process for the abolishment of DLES began in the 1999 Legislative Session,⁴ and subdivisions and programs of the department were transferred or repealed through several legislative bills until the department was formally abolished by the Legislature in 2002.

Senate Interim Report 2011-107 sets forth a detailed chart of the divisions and programs of the former DLES and whether they were transferred or repealed (including the chapter law numbers).

Florida Department of Commerce

The Florida Department of Commerce (FDC) was created in 1969.⁵ It consisted of three divisions and administratively housed or staffed a number of independent entities. It was “the state agency with the primary responsibility for promoting and developing the general business, trade, and tourism components of the state economy.”⁶

FDC was abolished in 1996 in a reorganization of Florida’s economic development structure.⁷ The department’s functions were either repealed or transferred to various other agencies. In

¹ Identification, Review, and Recommendations Relating to Obsolete Statutory References to the Former Florida Departments of Labor and Employment Security, and Commerce. The Florida Senate Committee on Commerce. Interim Report 2011-107 (October 2010). Available at <http://www.flsenate.gov/Committees/InterimReports/2011/2011-107cm.pdf> (last visited 2/15/2011).

² Chapter 78-201, L.O.F.

³ See Senate Staff Analysis and Economic Impact Statement for CS/CS/SB 230, dated April 19, 1999.

⁴ Chapter 99-240, L.O.F.

⁵ Section 17, ch. 69-106, L.O.F.

⁶ See Senate Staff Analysis and Economic Impact Statement for CS/CS/SB 958, dated March 18, 1996.

⁷ Chapter 96-320, L.O.F.

general, the reorganization transferred economic development functions to Enterprise Florida, Inc. (EFI); tourism development and marketing functions to the Florida Commission on Tourism, Inc.; and all other functions that were considered to be “governmental in nature and [could not] effectively be transferred to public private partnerships” to the Office of Tourism, Trade, and Economic Development (OTTED).⁸

Senate Interim Report 2011-107 sets forth a detailed chart of the divisions and programs of the former FDC and whether they were transferred or repealed (including the chapter law numbers).

III. Effect of Proposed Changes:

Senate Interim Report 2011-107 sets forth recommendations that some references are still necessary in statute, while others should be repealed or amended to reference the current agency or program.⁹ These recommendations are implemented in this bill in the following manner:

Delete the Reference

Statutes where a reference to DLES or FDC is deleted are:

- s. 14.2015(8), F.S. (Section 1);
- s. 45.031(7)(a), F.S. (Section 3);
- s. 69.041(4)(a), F.S. (Section 4);
- s. 112.044(2)(d), F.S. (Section 5);
- s. 252.87(7), F.S. (Section 8);
- s. 252.937(2), F.S. (Section 9);
- s. 287.09451(4), F.S. (Section 11);
- s. 288.035(1), F.S. (Section 14);
- s. 288.1229(7), F.S. (Section 16);
- s. 409.2576(1) and (3)(b), F.S. (Section 23);
- s. 440.49(9)(b), F.S. (Section 25);
- s. 553.62, F.S. (Section 31); and
- s. 597.006(1), F.S. (Section 32).

Repeal the Statute or Provision

Statutes where a statute or provision is repealed are:

- s. 288.031, F.S. (Section 15);
- s. 446.60, F.S. (Section 26);
- s. 255.551, F.S. (Section 35);
- s. 255.552, F.S. (Section 35);
- s. 255.553, F.S. (Section 35);
- s. 255.5535, F.S. (Section 35);
- s. 255.555, F.S. (Section 35);
- s. 255.556, F.S. (Section 35);
- s. 255.557, F.S. (Section 35);
- s. 255.5576, F.S. (Section 35);

⁸ See Senate Staff Analysis and Economic Impact Statement for CS/CS/SB 958, dated March 18, 1996.

⁹ A detailed analysis is on file with the Senate Commerce and Tourism Committee.

- s. 255.558, F.S. (Section 35);
- s. 255.559, F.S. (Section 35);
- s. 255.56, F.S. (Section 35);
- s. 255.561, F.S. (Section 35);
- s. 255.562, F.S. (Section 35);
- s. 255.563, F.S. (Section 35); and
- s. 469.003(2)(b), F.S. (Section 37).

Update to the Appropriate Agency or Current Practice

Statutes where a reference to DLES or FDC is updated to the current agency or practice are:

- s. 20.10(4)(b), F.S. (Section 2);
- s. 112.044(5), F.S. (Section 5);
- s. 252.85(1), F.S. (Section 7);
- s. 287.09431, F.S. (Section 10);
- s. 287.0947(1), F.S. (Section 12);
- s. 288.021(1), F.S. (Section 13);
- s. 288.1168, F.S. (Section 15);
- s. 288.1169, F.S. (Section 17);
- s. 331.369(2), (4), and (5), F.S. (Section 18);
- s. 377.711(5)(h), F.S. (Section 19);
- s. 377.712(3), F.S. (Section 20);
- s. 409.2576(8), F.S. (Section 21);
- s. 414.24, F.S. (Section 22);
- s. 414.40(2)(d), F.S. (Section 23);
- s. 440.385(5), F.S. (Section 24);
- s. 450.161, F.S. (Section 27);
- s. 464.203(1)(d), F.S. (Section 28);
- s. 489.1455(1)(b), F.S. (Section 29);
- s. 489.5335(1)(b), F.S. (Section 30); and
- s. 944.012(5), F.S. (Section 33).

Section 36 amends 469.002(1)(e), F.S., to conform cross-references to changes made by the bill.

Section 23 amends s. 414.40(1) and (2), F.S., to update this statute to reflect the transfer of the authority to investigate public assistance fraud from the Department of Law Enforcement to the Department of Financial Services.¹⁰

Section 34 amends s. 944.708, F.S., to remove a reference to the Agency for Workforce Innovation. Chapter 2010-117, L.O.F., amended this section to replace a reference to DLES to the agency.¹¹ However, because the Agency for Workforce Innovation does not implement any of the provisions of ss. 944.701-944.707, F.S., the rulemaking authority for the agency is unnecessary.

¹⁰ Chapter 2010-144, L.O.F.

¹¹ Section 41, ch. 2010-117, L.O.F.

Section 38 provides an effective date of July 1, 2011.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None. The changes made by the bill are simply statutory cleanup. Based upon the research collected for Interim Report 2011-107, the agencies contacted indicated that the provisions which are repealed in the bill were either programs which had expired or provisions which were not currently implemented or necessary.

VI. Technical Deficiencies:

None.

VII. Related Issues:

There may be other obsolete references in the Florida Statutes that could be included in the bill.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Committee Substitute by Commerce and Tourism on March 16, 2011:

The committee substitute corrects a cross reference in s. 469.002, F.S., to an obsolete provision that the bill is repealing, related to asbestos related activities. Additionally, the committee substitute merely amends s. 288.1168, F.S., to update obsolete references to

the Department of Commerce, instead of repealing ss. 288.1162 and 288.1168, F.S. The committee substitute also removes amendments made to s. 212.20, F.S., that were correcting cross-references due to the repeal of those two statutes.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
