

STORAGE NAME: h4027s1.ag

DATE: February 11, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
AGRICULTURE
ANALYSIS**

BILL #: CS/HB 4027 (PCB RC 00-14)

RELATING TO: Florida Statutes/Repeals

SPONSOR(S): Committee on Rules & Calendar and Representative Constantine

TIED BILL(S): none

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

(1) RULES AND CALENDAR YEAS 15 NAYS 0

(2) AGRICULTURE YEAS 10 NAYS 0

(3)

(4)

(5)

I. SUMMARY:

CS/HB 4027 repeals statutes that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded.

The bill does not appear to have a fiscal impact to state or local government.

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 Agriculture 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if those sections have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded.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 00-14 by that committee. The Proposed Committee Bill is now CS/HB 4027. Please see "Section-by-Section Analysis" for present situation on each section of the bill.

C. EFFECT OF PROPOSED CHANGES:

See "Section-by-Section Analysis"

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Repeals sections 506.01 through 506.05, F.S.

Chapter 506 relates to regulation of use of stamped or marked containers and baskets. Examples are bottles, boxes, kegs, baskets or other containers with names or other marks branded, stamped, engraved or in some other fashion produced upon the container. These sections of law date from 1897 and their provisions are now covered by trademark and copyright laws; therefore, these sections are obsolete.

Section 2: Repeals sections 506.14 through 506.18, F.S.

These sections of chapter 506 relate to regulation of the sale or distribution of milk products in marked bottles, cans or crates. Dating from 1935, these sections are obsolete as milk is not now processed in marked containers referred to in this law. Necessary provisions are now covered by trademark and copyright laws.

Section 3: Repeals sections 506.29 through 506.45, F.S.

These sections are known as the Florida Milk and Ice-cream Container Law. Adopted in 1943, these sections are now obsolete as their provisions are included in the frozen dessert laws and the trademark and copyright laws.

STORAGE NAME: h4027s1.ag

DATE: February 11, 2000

PAGE 3

Section 4: Amends section 506.519, F.S., to conform a reference.

Section 5: Repeals sections 523.01 through 523.22, F.S.

Adopted in 1941, these sections of law regulate “naval stores”, also known as turpentine. According to the Division of Forestry, there is no longer any turpentine production in Florida; therefore, these sections are obsolete.

Section 6: Repeals section 544.01 through 544.06, F.S.

These sections of law were adopted in 1897 and relate to preventing the monopolizing or controlling of the sale or price of beef or other fresh meats produced in Florida. These sections are obsolete, and any necessary provisions are covered by more current trade practice laws.

Section 7: Repeals section 570.541, F.S.

This section provides for the Racing Quarter Horse Advisory Council. The council is no longer necessary as there has been no quarter horse racing in the state since 1991.

Section 8: Repeals sections 588.07 and 588.08, F.S.

Adopted in 1823, these sections relate to practices used to contain livestock when Florida was an open range state. The state now has fence laws that render these sections obsolete.

Section 9: Repeals paragraph (b) of subsection (3) of section 593.114, F.S.

This paragraph relates to assessment determinations done on cotton production for implementation and enforcement of the boll weevil eradication law. These assessments are done on an annual basis, and the reference to the May 1987 date is no longer necessary.

Section 10: Repeals chapter 602, F.S., in its entirety.

Chapter 602 was adopted in 1989 to implement a financial compensation program relating to the state and federal governments’ citrus canker eradication efforts during the 1980s. The program, and these provisions of law, were specific only to the canker program during the 1980s. The program was terminated in 1994 (s. 6, ch. 94-346, Laws of Florida); therefore, these sections are obsolete.

Section 11: Repeals subsections (2), (3), and (4) of section 616.21, F.S.

These subsections create and define the Agricultural and Livestock Fair Council which is no longer active.

Section 12: Amends section 616.001, F.S., to conform references with the repeal of the Agricultural and Livestock Fair Council.

Section 13: Amends subsection (1) of section 616.15, F.S., to conform a reference with the repeal of the Agricultural and Livestock Fair Council.

Section 14: Repeals section 698.10, F.S.

Adopted in 1935, this section relates to the effect of security instruments, such as chattel mortgages, on crops grown more than 7 years from the date of May 1, 1935. The section is obsolete.

Section 15: Repeals section 865.04, F.S.

This section was enacted in 1832 to prohibit including “dirt, rubbish, or other thing” in the packing of agricultural or food provisions. This section is no longer needed as this prohibition is now covered by more current packaging laws.

Section 16: Provides that the 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:

The bill was amended to delete items for repeal that are also included in a 2000 revisers bill. Added to the original bill also is repeal of two councils, the Racing Quarter Horse Advisory Council and the Agricultural and Livestock Fair Council. These councils have been inactive for a number of years, and repeal is recommended.

VII. SIGNATURES:

COMMITTEE ON AGRICULTURE:

Prepared by:

Staff Director:

Susan D. Reese

Susan D. Reese