

STORAGE NAME: h4031s1.wrm

DATE: February 16, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
WATER & RESOURCE MANAGEMENT
ANALYSIS**

BILL #: CS/HB 4031 (Formerly PCB RC 00-16)

RELATING TO: Florida Statutes/Repeals

SPONSOR(S): Committee on Water & Resource Management, Committee on Rules and Calendar, and Rep. Constantine

TIED BILL(S): None

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

- (1) RULES & CALENDAR YEAS 15 NAYS 0
 - (2) WATER & RESOURCE MANAGEMENT YEAS 7 NAYS 0
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

Various statutory provisions in chapters 370 and 373, Florida Statutes, are obsolete because they have served their purpose or have been superseded by subsequent legislation. CS/HB 4031 would repeal these obsolete provisions and make necessary updates to cross-references resulting from the repeals.

CS/HB 4031 has no fiscal impact on state government or local governments, nor does it raise any apparent constitutional or other legal issues.

The bill would take effect upon becoming a law.

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:

Various statutory provisions in chapters 370 and 373, Florida Statutes, have become obsolete because they have served their purpose, had their intended effect, or repealed or superseded by subsequent legislation.

C. EFFECT OF PROPOSED CHANGES:

CS/HB 4031 would delete obsolete provisions in chapters 370 and 373, Florida Statutes, and correct cross-references affected by those deletions.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Section 370.031, F.S., directed the Department of Environmental Protection in 1969 to conduct an economic, ecological and biological study of Choctawhatchee Bay. The study has been completed.

Section 2: Section 370.033, F.S., adopted in 1970, specified legislative intent regarding the registration of dredge-and-fill equipment with the old Department of Natural Resources. This language has been rendered obsolete by the subsequent passage of law in chapters 370 and 403, F.S., regarding dredge and fill permitting requirements.

Section 3: Paragraph (b) of subsection (1) of section 370.037, F.S., is amended to correct a cross-reference.

Section 4: Section 370.038, F.S., is amended to correct a cross-reference.

Section 5: Section 370.0805, F.S., passed by the Legislature in 1995, created a net buyback and other assistance programs for commercial fishermen adversely affected by passage of the 1994 constitutional limitations on gill and other nets. These programs have expired.

Section 6: Section 370.135, F.S., created in 1998 a moratorium on issuance of blue-crab harvesting licenses to new applicants. Several of the early deadlines have expired, and so have been deleted from this section of law.

Section 7: Subsection (12) of s. 370.14, F.S., is deleted to remove an obsolete historical reference.

Section 8: Subsection (4) of s. 370.142, F.S., refers to the "Trap Certificate Technical Advisory and Appeals Board," for spiny lobster harvesters, which was created in 1990. Deadlines for several of its actions have passed, so those provisions are deleted.

Section 9: Section 373.029, F.S., passed in 1963, directed the governor to appoint a Floridian to the Southeast River Basins Resources Advisory Board. The board no longer meets.

Section 10: Section 373.191, F.S., created in 1957, allowed counties to enter into Water development projects with the long-defunct Division of Interior Resources of the Department of Natural Resources. The provision is obsolete because the division was dissolved in 1972, and because other, newer provisions of law in chapter 373 address local-state partnerships for Water development.

Section 11: Section 373.033, F.S., corrects cross-reference and makes grammatical changes.

Section 12: Subsection (11) of section 373. 2295, F.S., created in 1987, was intended to exempt a pending interdistrict transfer project from the permitting provisions of the rest of the section. The reference has been obsolete for many years.

Section 13: Subsection (3) of section 373. 415, F.S., directed the St. Johns River Water Management District to develop by March 1, 1991, a groundwater basin availability inventory for the Wekiva River Protection Area. The district met the deadline.

Section 14: Specifies 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:

CS/HB 4031 does not require counties or municipalities to spend funds or to take any action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

CS/HB 4031 does not reduce the authority of counties and municipalities to raise revenues.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

CS/HB 4031 does not reduce the amount of state tax revenues shared with counties and municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

CS/HB 4031 does not raise any constitutional issues.

B. RULE-MAKING AUTHORITY:

CS/HB 4031 neither expands nor restricts the rule-making authority of the state or local agencies.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

At its February 8, 2000, meeting, the Water and Resource Management Committee, without objection, adopted two amendments to HB 4031, and made the bill a committee substitute. One amendment deleted a provision to repeal s. 327.53(2) and (8), F.S., related to a long-passed deadline for installing sanitation devices on certain vessels, and the second

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amendment deleted a provision to repeal s. 373.0735, F.S., related to an out-of-date process of staggering the terms of the Southwest Florida Water Management District governing board members' terms. The two provisions were deleted at the request of the Rules and Calendar Committee to prevent duplication with a Division of Statutory Revision "reviser's bill."

VII. SIGNATURES:

COMMITTEE ON WATER & RESOURCE MANAGEMENT:

Prepared by:

Staff Director:

Joyce Pugh

Joyce Pugh