

STORAGE NAME: h4035.tr

DATE: February 11, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
TRANSPORTATION
ANALYSIS**

BILL #: HB 4035 (PCB RC 00-18)

RELATING TO: Florida Statutes/ Repeals

SPONSOR(S): Committee on Rules and Calendar and Representative Bradley

TIED BILL(S): None

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

(1) RULES & CALENDAR

(2) TRANSPORTATION

(3)

(4)

(5)

I. SUMMARY:

This bill repeals statutes that have become obsolete, have had their effect, have served their purpose, are redundant, or have been impliedly repealed or superseded.

This bill has an effective date of upon becoming a law.

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 Transportation was asked to review transportation related provisions of the Florida Statutes to identify those sections that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded. The committee identified a number of provisions for repeal, and referred that information to the House Committee on Rules and Calendar. These efforts resulted in the drafting of Proposed Committee Bill RC 00-018 and the favorable reporting of the bill by that committee.

That Proposed Committee Bill is now before the Committee on Transportation as House Bill 4035. See "Section-by-Section Analysis" for details on repealed provisions.

C. EFFECT OF PROPOSED CHANGES:

See "Section-by-Section Analysis".

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends paragraph (e) of subsection (3) of s. 20.23, F.S., to remove specific directions for the DOT to implement certain internal management tools by December, 1990.

Section 2. Repeals s. 74.121, F.S., which is an obsolete reference related to the applicability of Chapter 74 to supplemental proceedings in eminent domain filed after October 1, 1965.

Section 3. Repeals s. 315.14, F.S., which is an obsolete reference related to a declaration of public purposes regarding port financing.

Section 4. Repeals s. 316.540, F.S., which is an obsolete reference related to weight provisions for pre-1949 heavy trucks.

Section 5. Amends paragraph (d) of subsection (9) of s. 316.550, F.S., to conform to the repeal of s. 316.540, F.S.

Section 6. Repeals paragraph (b) of subsection (6) of s. 321.05, F.S., which is an obsolete reference to expiration of authority for the Florida Highway Patrol to adopt safety rules.

Section 7. Repeals s. 331.352, F.S., which is an obsolete reference related to the applicability of powers of the Spaceport Florida Authority.

Section 8. Repeals s. 332.04, F.S., which is an obsolete reference related to validation of local governmental acquisition of property by airports. This provision is duplicative and is covered by s. 332.03, F.S.

Section 9. Repeals s. 332.10, F.S., which is an obsolete reference related to airports on water bottoms. This provision has been superseded by a subsequent statutory declaration that public waters and underlying lands are the exclusive domain of the state.

Section 10. Repeals subsection (4) of s. 332.115, F.S., which is an obsolete reference related to plans to build the port to port corridor in Orange and Brevard Counties for passenger and freight purposes. Public opposition halted the project in 1992.

Section 11. Repeals s. 335.03, F.S., which is an obsolete reference related to DOT recommending to the federal government routes of the national system of interstate highways. The Interstate System has been completed.

Section 12. Repeals s. 336.11, F.S., which is an obsolete reference related to county authority to abandon roads. County authority to abandon roads is covered in s. 336.09, F.S.

Section 13. Repeals subsection (2) of s. 339.081, F.S., which is an obsolete reference to a repealed trust fund, (see section 102, Chapter 99-385, Laws of Florida).

Section 14. Repeals subparagraph 3. of paragraph (b) of subsection (4) of s. 339.135, F.S., which is an obsolete reference related to tentative work program requirements for right-of-way bond proceeds. In 1996 the Legislature deleted the requirement that a majority of right-of-way bond proceeds be used to support construction phases planned 3-4 years from the date of acquisition and also deleted the requirement that the remaining portion be spent to support construction phases a minimum of 5 years from acquisition.

Section 15. Repeals s. 344.01, F.S., which is obsolete language enacted in 1929 declaring that all roads, highways and bridges built prior to June 21, 1929 are beneficial and will continue to be beneficial to state.

Section 16. Repeals s. 344.08, F.S., which is obsolete language which provides that all outstanding road and bridge bonds as of June 21, 1929 are obligations of issuing counties.

Section 17. Repeals subsection (4) of s. 479.27, F.S., which is an obsolete reference related to an outdoor advertising report which was submitted by DOT to the Legislature as required.

Section 18. Provides that the act takes effect upon becoming law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

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

N/A

V. COMMENTS:

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A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Staff Director:

Phillip B. Miller

John R. Johnston