

STORAGE NAME: h4043.hcl

DATE: February 14, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
HEALTH CARE LICENSING & REGULATION
ANALYSIS**

BILL #: HB 4043 (PCB RC 00-22)

RELATING TO: Obsolete, Expired, or Repealed Provisions of Law

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

TIED BILL(S):

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

- (1) RULES AND CALENDAR
 - (2) HEALTH CARE LICENSING & REGULATION
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill repeals or amends statutes and sections of the Laws of Florida that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded that relate to the regulation of certain professions with the Department of Health. The bill also repeals several task forces and work groups required to conduct a study and issue a report to the Legislature no later than February 1, 2000.

The bill takes effect upon becoming a law.

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

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input 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 staff of the Committee on Health Care Licensing & Regulation was asked to review a number of sections of the Florida Statutes and Laws of Florida 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if those sections have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded.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 staff, in consultation with the Department of Health and appropriate Senate staff, 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 00-22 by that committee. Upon introduction, the Proposed Committee Bill became HB 4043. See "Section-by-Section Analysis" for present situation on each of the sections of the bill.

C. EFFECT OF PROPOSED CHANGES:

HB 4043 repeals or amends statutes and sections of the Laws of Florida that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded that relate to the regulation of certain professions with the Department of Health. Several task forces and work groups required to conduct a study and issue a report to the Legislature no later than February 1, 2000, are repealed.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Repeals s. 404.22(5)(c), F.S., relating to adoption of a fee schedule for fiscal year 1981-1982 for registration and inspection of radiation machines.

Section 2. Repeals s. 458.349, F.S., relating to savings clauses applicable to repeal and reenactment in 1979 of chapter 458, F.S., relating to medical practice. The savings clause is obsolete since there is a two year renewal cycle for all licenses.

Section 3. Repeals s. 459.024, F.S., relating to savings clauses applicable to repeal and reenactment in 1979 of chapter 459, F.S., relating to osteopathic medicine. The savings clause is obsolete since there is a two year renewal cycle for all licenses.

Section 4. Repeals s. 461.015, F.S., relating to savings clauses applicable to repeal and reenactment in 1979 of chapter 461, F.S., relating to podiatric medicine. The savings clause is obsolete since there is a two year renewal cycle for all licenses.

Section 5. Repeals s. 463.019, F.S., relating to savings clauses applicable to repeal and reenactment in 1986 of chapter 463, F.S., relating to optometry. The savings clause is obsolete since there is a two year renewal cycle for all licenses.

Section 6. Repeals s. 464.0035, F.S., relating to staggering of initial terms on the joint committee appointed to approve acts of medical diagnosis and treatment, prescription, and operation that are authorized as advanced or specialized nursing practice.

Section 7. Repeals s. 464.023, F.S., relating to savings clauses applicable to repeal and reenactment in 1979 of chapter 464, F.S., relating to nursing. The savings clause is obsolete since there is a two year renewal cycle for all licenses.

Section 8. Repeals s. 468.804, F.S., relating to the Orthotists and Prosthetists Educational Programs Task Force. The task force was required to make its recommendations by January 1998.

Section 9. Repeals s. 484.019, F.S., relating to savings clauses applicable to repeal and reenactment in 1986 of part I, chapter 484, F.S., relating to preparing and dispensing of eyeglasses and other optical devices. The savings clause is obsolete since there is a two year renewal cycle for all licenses.

Section 10. Repeals s. 499.003(16) and (28), F.S., relating to the definitions of "investigational drug" and "technical panel" to conform. Repeals ss. 499.018, 499.019, 499.02, 499.021, and 499.022, F.S., to abolish the investigational drug program and the Florida Drug Technical Review Panel.

According to information provided by the Department of Health, when the investigational drug program and Drug Technical Review Panel were created by the Legislature in 1981, the apparent intent was to make life saving investigational drugs available to Florida citizens quicker due to the US Food and Drug Administration's (FDA) slow drug approval process. There have been no investigational drug applications submitted to the review panel since 1988 which is likely due to the new improved fast-track FDA drug approval process. Today, investigational drugs with life saving potential are available to needy patients before the drugs are available to the general public. The last meeting of the review panel was in November, 1994.

Sections 11 - 17. Amend ss. 381.0203, 499.015, 499.024, 499.03, 499.04, 499.041, and 499.067, F.S., to remove or revise references and related provisions.

Section 18. Repeals s. 499.025(5), F.S., relating to applicability of provisions establishing identification requirements for drug products in finished, solid, oral dosage form.

Section 19. Repeals s. 103 of chapter 97-261, Laws of Florida, and s. 2 of chapter 98-226, Laws of Florida, relating to the task force on the Health Care Practitioner Credentialing Program.

Section 20. Repeals s. 13 of chapter 99-332, Laws of Florida, relating to the Task Force on Home Health Services Licensure Provisions. Task Force report was due on or before December 31, 1999.

Section 21. Repeals s. 28 of chapter 99-394, Laws of Florida, relating to the certified nursing assistant study group. The Department of Elderly Affairs was required to submit a report to the Legislature by January 15, 2000.

Section 22. Repeals ss. 125 and 175 of chapter 99-397, Laws of Florida, relating to the Task Force for the Study of Collaborative Drug Therapy Management and the Task Force on Telehealth. A report from the Collaborative Drug Therapy Task Force was due not later than December 31, 1999, and the Telehealth Task Force report was due on January 1, 2000.

Section 23. Provides an effective date of 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:

The bill does not require counties or municipalities to expend funds or to take any action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

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

The bill does not reduce the percentage of 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:

None.

VII. SIGNATURES:

COMMITTEE ON HEALTH CARE LICENSING & REGULATION:

Prepared by:

Staff Director:

Lucretia Shaw Collins

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