

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 Committee on Rules

BILL: SB 994

INTRODUCER: Senator Thrasher

SUBJECT: Florida Statutes

DATE: February 25, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Plante	Phelps	RC	Pre-meeting
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

SB 994 amends the following sections of the Florida Statutes: 17.28, 23.1231, 43.291, 110.118, 112.361, 119.0712, 120.65, 201.165, 202.37, 207.021, 207.0281, 212.097, 212.098, 215.61, 238.03, 258.0165, 288.1045, 288.108, 288.706, 288.816, 316.0747, 316.525, 317.0005, 320.0657, 320.0848, 322.161, 324.0221, 339.2817, 339.55, 376.121, 376.317, 379.245, 380.0666, 391.304, 391.305, 393.0641, 395.0185, 395.605, 397.99, 397.998, 400.063, 400.176, 400.801, 402.22, 402.3025, 402.81, 403.7191, 409.2576, 409.2578, 409.441, 409.9101, 411.224, 414.158, 414.1585, 414.35, 415.1105, 420.5091, 430.708, 430.902, 443.1312, 443.1313, 455.2255, 456.053, 472.017, 489.146, 496.414, 497.381, 501.0583, 509.036, 548.024, 559.10, 561.41, 578.26, 582.055, 601.74, 601.76, 607.193, 624.487, 627.096, 627.212, 627.917, 633.445, 641.316, 655.922, 658.995, 668.704, 713.78, 713.785, 744.7021, 744.713, 766.304, 865.09, 943.0543, 943.0544, 944.095, 945.73, 946.525, 949.08, 985.66, 1011.48, 1011.51, 1011.765, 1012.467, and 1012.965; repeals the following sections: 112.358, 199.1851, 220.1501, 328.44, 328.50, 403.0861, 409.14511, 409.2675, 411.205, 553.897, 563.04, 564.04, 601.75, 601.77, 601.78, 627.793, 634.289, 663.319, and 984.05; and amends sections 213.053, 400.518, 556.116, 564.06, and 601.80 to conform to the changes made in the act.

II. Present Situation:

Section 11.242, Florida Statutes, as amended by s. 9, chapter 2012-116, Laws of Florida (CSHB 7055), directs the Office of Legislative Services to prepare reviser’s bills omitting “[a]ll statutes and laws, or parts thereof, which grant duplicative, redundant, or unused rulemaking authority Rulemaking authority shall be deemed unused if the provision has been in effect for more than 5 years and no rule has been provided thereon.”

The statutes included in the bill are based on a list of statutory grants of rulemaking authority identified by the House Rulemaking & Regulation Subcommittee (the predecessor of the present

Rulemaking Oversight & Repeal Subcommittee) that initially appeared to meet the requirements for omission under CSHB 7055, in that the rulemaking authority had been in effect for more than five years and no rule had been adopted citing the statutory provision. The list of statutes was reviewed by staff of the Division of Law Revision and Information within the Office of Legislative Services and the Joint Administrative Procedures Committee to confirm whether the sections identified had been cited as rulemaking authority by the individual agencies. The list was then forwarded to the House Rulemaking & Regulation Subcommittee for review and comment. House staff coordinated the review by staff of other standing committees and their counterparts in the Senate, which in turn consulted with the various administrative agencies affected by the proposed revisions. The present bill is the results of those discussions.

III. Effect of Proposed Changes:

Section 1 amends s. 17.28, F.S., to remove an unused grant of rulemaking authority.
[Note: The Department of Financial Services prefers to retain this rulemaking authority.]

Section 2 repeals s. 23.1231(3)(c), F.S., an unused grant of rulemaking authority.

Section 3 amends s. 43.291(7), F.S., to remove an unused grant of rulemaking authority.

Section 4 repeals s. 110.118(3), F.S., an unused grant of rulemaking authority.

Section 5 repeals s. 112.358, F.S., an unused grant of rulemaking authority.

Section 6 repeals s. 112.361(8), F.S., an unused grant of rulemaking authority.

Section 7 repeals s. 119.0712(2)(d), F.S., an unused grant of rulemaking authority.

Section 8 repeals s. 120.65(6) and (8), F.S., unused grants of rulemaking authority.

Section 9 repeals s. 199.1851, F.S., an unused grant of rulemaking authority.

Section 10 amends s. 201.165(1), F.S., to remove an unused grant of rulemaking authority.

Section 11 amends s. 202.37(1)(c), F.S., to remove an unused grant of rulemaking authority.

Section 12 amends s. 207.021(1), F.S., to remove an unused grant of rulemaking authority and make conforming changes to the remaining text.

Section 13 repeals s. 207.0281(6), F.S., an unused grant of rulemaking authority.

Section 14 repeals s. 212.097(16), F.S., an unused grant of rulemaking authority.

Section 15 repeals s. 212.098(12), F.S., an unused grant of rulemaking authority.

Section 16 repeals s. 215.61(5), F.S., an unused grant of rulemaking authority.

Section 17 repeals s. 220.1501, F.S., an unused grant of rulemaking authority.

Section 18 amends s. 238.03(1), F.S., to remove an unused grant of rulemaking authority.

Section 19 repeals s. 258.0165(5), F.S., an unused grant of rulemaking authority.

Section 20 repeals s. 288.1045(6)(a), F.S., an unused grant of rulemaking authority.

Section 21 repeals s. 288.108(7), F.S., an unused grant of rulemaking authority.

Section 22 repeals s. 288.706(10), F.S., an unused grant of rulemaking authority.

Section 23 amends s. 288.816(2), F.S., to remove an unused grant of rulemaking authority.

Section 24 amends s. 316.0747(2), F.S., to remove an unused grant of rulemaking authority.

Section 25 repeals s. 316.525(2), F.S., an unused grant of rulemaking authority.

Section 26 repeals s. 317.0005(1), F.S., an unused grant of rulemaking authority.

Section 27 repeals s. 320.0657(5), F.S., an unused grant of rulemaking authority.

Section 28 repeals s. 320.0848(12), F.S., an unused grant of rulemaking authority.

Section 29 repeals s. 322.161(3), F.S., an unused grant of rulemaking authority.

Section 30 amends s. 324.0221(1)(a), F.S., to remove an unused grant of rulemaking authority and make conforming changes to the remaining text.

Section 31 repeals s. 328.44, F.S., an unused grant of rulemaking authority.

Section 32 repeals s. 328.50, F.S., an unused grant of rulemaking authority.

Section 33 repeals s. 339.2817(5), F.S., an unused grant of rulemaking authority.

Section 34 repeals s. 339.55(9), F.S., an unused grant of rulemaking authority.

Section 35 amends s. 376.121(2)(b), F.S., to remove an unused grant of rulemaking authority and repeals s. 376.121(14), F.S., an unused grant of rulemaking authority.

Section 36 amends s. 376.317(5), F.S., to remove an unused grant of rulemaking authority and make conforming changes to the remaining text.

Section 37 repeals s. 379.245(6), F.S., an unused grant of rulemaking authority.

Section 38 repeals s. 380.0666(9), F.S., an unused grant of rulemaking authority.

Section 39 amends s. 391.304(1)(b), F.S., to remove an unused grant of rulemaking authority.

Section 40 amends s. 391.305, F.S., to remove an unused grant of rulemaking authority and make conforming changes to the remaining text.

Section 41 amends s. 393.0641(5), F.S., to remove an unused grant of rulemaking authority.

Section 42 amends s. 395.0185(2), F.S., to remove an unused grant of rulemaking authority and make conforming changes to the remaining text.

Section 43 amends s. 395.605(8) and (9), F.S., to remove unused grants of rulemaking authority and make conforming changes to the remaining text.

Section 44 repeals s. 397.99(5), F.S., an unused grant of rulemaking authority.

Section 45 repeals s. 397.998(6), F.S., an unused grant of rulemaking authority.

Section 46 repeals s. 400.063(4), F.S., an unused grant of rulemaking authority.

Section 47 amends s. 400.176(2), F.S., to remove an unused grant of rulemaking authority and make conforming changes to the remaining text.

Section 48 repeals s. 400.801(4), F.S., an unused grant of rulemaking authority.

Section 49 amends s. 402.22(5), F.S., to remove an unused grant of rulemaking authority and repeals s. 402.22(6), F.S., which contains an unused grant of rulemaking authority.

Section 50. repeals s. 402.3025(1)(c), F.S., an unused grant of rulemaking authority and amends s. 402.3025(3), F.S., to make conforming changes to the remaining text.

Section 51 repeals s. 402.81(4)(a), F.S., an unused grant of rulemaking authority.

Section 52 repeals s. 403.0861, F.S., an unused grant of rulemaking authority.

Section 53 repeals s. 403.7191(8), F.S., an unused grant of rulemaking authority.

Section 54 repeals s. 409.14511, F.S., an unused grant of rulemaking authority.

Section 55 repeals s. 409.2576(10), F.S., an unused grant of rulemaking authority.

Section 56 repeals s. 409.2578(4), F.S., an unused grant of rulemaking authority.

Section 57 repeals s. 409.2675, F.S., an unused grant of rulemaking authority.

Section 58 repeals s. 409.441(3)(a), F.S., an unused grant of rulemaking authority and makes conforming changes to the remaining text.

Section 59 repeals s. 409.9101(11), F.S., an unused grant of rulemaking authority.

Section 60 repeals s. 411.205, F.S., an unused grant of rulemaking authority.

Section 61 repeals s. 411.224(10), F.S., an unused grant of rulemaking authority.

Section 62 amends s. 414.158(4), F.S., to remove an unused grant of rulemaking authority.

Section 63 amends s. 414.1585(4), F.S., to remove an unused grant of rulemaking authority and make conforming changes to the remaining text.

Section 64 repeals s. 414.35(1) and (2), F.S., unused grants of rulemaking authority.

Section 65 amends s. 415.1105(1), F.S., to remove an unused grant of rulemaking authority and make conforming changes to the remaining text.

Section 66 amends s. 420.5091(1), F.S., to remove an unused grant of rulemaking authority.

Section 67 repeals s. 430.708(3), F.S., an unused grant of rulemaking authority.

Section 68 repeals s. 430.902(4), F.S., an unused grant of rulemaking authority.

Section 69 amends s. 443.1312(6), F.S., to remove an unused grant of rulemaking authority.

Section 70 amends s. 443.1313(3), F.S., to remove an unused grant of rulemaking authority.

Section 71 amends s. 455.2255(2), F.S., to remove an unused grant of rulemaking authority.

Section 72 amends s. 456.053(5), F.S., to remove an unused grant of rulemaking authority and make conforming changes to the remaining text.

Section 73 repeals s. 472.017(2), F.S., an unused grant of rulemaking authority.

Section 74 amends s. 489.146, F.S., to remove an unused grant of rulemaking authority.

Section 75 repeals s. 496.414(2), F.S., an unused grant of rulemaking authority.

Section 76 repeals s. 497.381(1), F.S., and amends s. 497.381(2), F.S., to remove unused grants of rulemaking authority.

Section 77 repeals s. 501.0583(4), F.S., an unused grant of rulemaking authority.

Section 78 amends s. 509.036(3), F.S., to remove an unused grant of rulemaking authority.

Section 79 repeals s. 548.024(1), F.S., an unused grant of rulemaking authority.

Section 80 repeals s. 553.897, F.S., an unused and obsolete grant of rulemaking authority.

Section 81 repeals s. 559.10(3), F.S., an unused grant of rulemaking authority.

Section 82 amends s. 561.41, F.S., to remove an unused grant of rulemaking authority.

Section 83 repeals s. 563.04, F.S., an unused grant of rulemaking authority.

Section 84 repeals s. 564.04, F.S., an unused grant of rulemaking authority.

Section 85 amends s. 578.26(4), F.S., to remove an unused grant of rulemaking authority.

Section 86 repeals s. 582.055(2), F.S., an unused grant of rulemaking authority.

Section 87 amends s. 601.74, F.S., to remove an unused grant of rulemaking authority and make conforming changes to the remaining text.

Section 88 repeals s. 601.75, F.S., an unused grant of rulemaking authority.

Section 89 amends s. 601.76, F.S., to remove an unused grant of rulemaking authority.

Section 90 repeals s. 601.77, F.S., an unused grant of rulemaking authority.

Section 91 repeals s. 601.78, F.S., an unused grant of rulemaking authority.

Section 92 repeals s. 607.193(3), F.S., an unused grant of rulemaking authority.

Section 93 amends s. 624.487, F.S., to remove an unused grant of rulemaking authority.

Section 94 amends s. 627.096(1), F.S., to remove an unused grant of rulemaking authority.

Section 95 amends s. 627.212, F.S., to remove an unused grant of rulemaking authority.

Section 96 repeals s. 627.793, F.S., an unused grant of rulemaking authority.

Section 97 repeals s. 627.917(3), F.S., an unused grant of rulemaking authority.

Section 98 repeals s. 633.445(8), F.S., an unused grant of rulemaking authority.

Section 99 repeals s. 634.289, F.S., an unused grant of rulemaking authority.

Section 100 repeals s. 641.316(7), F.S., an unused grant of rulemaking authority.

Section 101 repeals s. 655.922(6), F.S., an unused grant of rulemaking authority.

Section 102 repeals s. 658.995(6), F.S., an unused grant of rulemaking authority.

Section 103 repeals s. 663.319, F.S., an unused grant of rulemaking authority.

Section 104 repeals s. 668.704(12), F.S., an unused grant of rulemaking authority.

Section 105 repeals s. 713.78(11)(c) and (13)(g), F.S., unused grants of rulemaking authority.

Section 106 repeals s. 713.785(7)(c) and (8)(f), F.S., unused grants of rulemaking authority.

Section 107 repeals s. 744.7021(4), F.S., an unused grant of rulemaking authority.

Section 108 repeals s. 744.713(7), F.S., an unused grant of rulemaking authority.

Section 109 amends s. 766.304, F.S., to remove an unused grant of rulemaking authority.

Section 110 amends s. 865.09(10), F.S., to remove an unused grant of rulemaking authority.

Section 111 amends s. 943.0543(3), F.S., to remove an unused grant of rulemaking authority.

Section 112 amends s. 943.0544(6), F.S., to remove an unused grant of rulemaking authority.

Section 113 repeals s. 944.095(8), F.S., an unused grant of rulemaking authority.

Section 114 amends s. 945.73(2), F.S., to remove an unused grant of rulemaking authority and make conforming changes to the remaining text.

Section 115 repeals s. 946.525(5), F.S., an unused grant of rulemaking authority.

Section 116 amends s. 949.08, F.S., to remove an unused grant of rulemaking authority and make conforming changes to the remaining text.

Section 117 repeals s. 984.05, F.S., an unused grant of rulemaking authority.

Section 118 amends s. 985.66(6), F.S., to remove an unused grant of rulemaking authority and make conforming changes to the remaining text, and repeals s. 985.66(7), F.S., an unused grant of rulemaking authority.

Section 119 repeals s. 1011.48(4), F.S., to remove an unused grant of rulemaking authority and make conforming changes to the remaining text.

Section 120 repeals s. 1011.51(7), F.S., an unused grant of rulemaking authority.

Section 121 repeals s. 1011.765(1)(a), F.S., an unused grant of rulemaking authority.

Section 122 amends s. 1012.467(7)(a), F.S., to remove an unused grant of rulemaking authority.

Section 123 amends s. 1012.965(2), F.S., to remove an unused grant of rulemaking authority.

Section 124 makes conforming changes to s. 213.053(8)(z), F.S.

Section 125 makes conforming changes to s. 400.518(3)(b), F.S.

Section 126 makes conforming changes to s. 556.116(3)(b), F.S.

Section 127 makes conforming changes to s. 564.06(5)(b), F.S.

Section 128 makes conforming changes to s. 601.80, F.S.

Section 129 provides for an effective date of 60 days after adjournment sine die.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

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