

1989

Session Law 89-296

Florida Senate & House of Representatives

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S 1333 GENERAL BILL/2ND ENG by Governmental Operations
Sunset/Sundown Review: (SUNSET/SUNDOWN) delays repeal of certain regulatory laws re regulatory functions & advisory bodies, commissions, & boards of trustees adjunct to executive agencies; provides for review of such laws pursuant to Regulatory Sunset/Sundown Act, in advance of their respective dates of repeal, etc. Amends/revives/readopts various F.S. Effective Date: 07/05/89.

04/11/89 SENATE Filed
04/19/89 SENATE Introduced, referred to Governmental Operations; Finance, Taxation and Claims; Appropriations -SJ 184
04/27/89 SENATE On Committee agenda—Governmental Operations, 05/03/89, 3:45 pm, Room-H-(428)
04/28/89 SENATE Extension of time granted Committee Governmental Operations
05/03/89 SENATE Comm. Report: Favorable by Governmental Operations -SJ 256
05/04/89 SENATE Now in Finance, Taxation and Claims -SJ 256
05/11/89 SENATE Withdrawn from Finance, Taxation and Claims -SJ 353; Now in Appropriations
05/18/89 SENATE Withdrawn from Appropriations -SJ 386; Placed on Calendar
05/24/89 SENATE Placed on Special Order Calendar -SJ 402; Passed as amended; YEAS 39 NAYS 0 -SJ 421
05/25/89 HOUSE In Messages
06/01/89 HOUSE Received, placed on Calendar -HJ 1055; Read second time; Amendments adopted; Read third time; Passed as amended; YEAS 113 NAYS 0 -HJ 1056
06/01/89 SENATE In Messages
06/02/89 SENATE Concurred; Passed as amended; YEAS 39 NAYS 0 -SJ 873
06/02/89 Ordered engrossed, then enrolled -SJ 873
06/20/89 Signed by Officers and presented to Governor
07/05/89 Approved by Governor; Chapter No. 89-296

NOTES: Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

REVISED: _____

BILL NO. SB 1333

DATE: May 3, 1989

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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Stengle</u> <i>AS</i>	<u>Stengle</u> <i>AS</i>	1. <u>GO</u>	<u>Favorable</u>
2. _____	_____	2. <u>FTC</u>	_____
3. _____	_____	3. <u>AP</u>	_____
4. _____	_____	4. _____	_____

SUBJECT:

Sunset/Sundown/Other
Legislative Repeals Clean-Up

BILL NO. AND SPONSOR:

SB 1333 by
Governmental Operations

I. SUMMARY:

A. Present Situation:

The Regulatory Sunset Act (s. 11.61, F.S.) and the Sundown Act (s. 11.611, F.S.) provide for the systematic, periodic repeal of designated sections of the Florida Statutes relating to regulatory programs and functions and to advisory bodies, commissions, and boards of trustees adjunct to executive agencies. The acts also provide for repeal of designated sections on a scheduled date within 10 years of acts creating or reestablishing entities or functions meeting Sunset or Sundown criteria, and for legislative review prior to repeal.

Annually, as an interim project, the Senate Committee on Governmental Operations updates the Sunset/Sundown/Other Legislative Repeals Handbook, a compilation of past, present, and future Sunset and Sundown activities and other scheduled future repeals. In updating the 1988 Handbook, certain discrepancies, which do not conform to the Sunset or Sundown laws, were discovered.

B. Effect of Proposed Changes:

Repeal clauses in certain Laws of Florida which are incorrect regarding future repeal would be corrected. Included for repeal would be sections amending, creating, or reestablishing programs or functions meeting the criteria of Sunset or Sundown which were found to have no future repeal date as required by the Regulatory Sunset Act or the Sundown Act. Additionally, certain sections scheduled for future repeal were scheduled for prior legislative review pursuant to the Regulatory Sunset Act or the Sundown Act on dates or schedules inappropriate for review under these acts.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

None.

III. COMMENTS:

A list of specific corrections and changes is attached.

IV. AMENDMENTS:

None.

Explanation of Changes and Corrections made by PCB 14Regulatory Sunset Repeals

<u>Page</u>	<u>Lines</u>	
3	21-27	Would include for repeal s. 240.5337 and Part IX of ch. 468, F.S., relating to regulation of athlete agents, which meet the criteria for Sunset, but which were not scheduled for future repeal. (Repeal 10/1/98)
3	28-30	Would include for repeal s. 381.061(9), F.S., relating to regulation of food service establishments, to comport with the repeal of other sections pertaining to same. (Repeal 10/1/90)
4	1-2	
4	3-7	Would include for repeal ss. 395.0141, 395.0142, 395.0146, and 395.102, F.S., relating to hospital licensing and regulation, to comport with the repeal of the chapter. (Repeal 10/1/92)
4	8-12	Would include for repeal s. 359.63, F.S., relating to duties of the Health Care Cost Containment Board, to comport with the repeal of other sections pertaining to same. (Repeal 10/1/92)
4	13-16	Would include for repeal s. 402.3025, F.S., relating to child care facilities, to comport with the repeal of other provisions pertaining to same. (Repeal 10/1/93)
4	17-20	Would include for repeal s. 458.3295, F.S., relating to medical practice, to comport with the repeal of the chapter. (Repeal 10/1/96)
4	21-24	Would include for repeal s. 459.0145, F.S., relating to osteopathy, to comport with the repeal of the chapter. (Repeal 10/1/96)
4	25-28	Would include for repeal ss. 466.0275 and 466.0283, F.S., relating to the practice of dentistry, to comport with the repeal of the chapter. (Repeal 10/1/96)
4	29-31	Would include for repeal ss. 487.170, 487.171, 487.172, and 487.173, F.S., relating to antifouling paint dealers and applicators, which meet the criteria for Sunset, but which were not scheduled for future repeal, and to conform to other provisions of the chapter. (Repeal 10/1/92)
5	1-2	
5	3-6	Would include for repeal s. 496.042, F.S., relating to solicitation of funds, to comport with the repeal of the chapter. (Repeal 10/1/94)
5	7-10	Would include for repeal ss. 499.024 and 499.039, F.S., relating to drugs and cosmetics, to comport with the repeal of the chapter. (Repeal 10/1/92)
5	11-15	Would include for repeal s. 517.1205, F.S., relating to regulation of persons dealing in securities, to comport with the repeal of the chapter. (Repeal 10/1/90)
5	16-20	Would include for repeal ss. 624.4425 and 624.475, F.S., relating to taxation of insurance premiums, contributions, and assessments, to comport with the repeal of sections dealing with the same subject area. (Repeal 10/1/91)
5	21-24	Would include for repeal s. 627.6736, F.S., relating to group Medicare supplement insurance, to comport with the repeal of the chapter. (Repeal 10/1/92)

Page Lines

- 5 25-29 Would include for repeal ss. 627.7275 and 627.7295, F.S., relating to motor vehicle insurance policies, to comport with the repeal of the chapter. (Repeal 10/1/92)
- 5 30-31 Would include for repeal s. 629.5011, F.S., relating to taxation of reciprocal insurance premiums, to
6 1-2 comport with the repeal of the chapter. (Repeal 10/1/91)
- 6 3-7 Would include for repeal s. 637.406, F.S., relating to taxation of service plan premiums, contributions, and assessments, to comport with the repeal of the chapter. (Repeal 10/1/93)
- 6 8-12 Would include for repeal s. 651.027, F.S., relating to taxation of entrance fees under continuing care contracts, to comport with the repeal of the chapter. (Repeal 10/1/93)
- 6 13-16 Would include for repeal s. 655.55, F.S., relating to financial institutions, to comport with the repeal of the chapter. (Repeal 10/1/91)

Sundown Repeals

- 6 17-21 Would include for repeal s. 20.19(4)(c), F.S., relating to the Advisory Council on Health in the Department of Health and Rehabilitative Services, which meets Sundown criteria but which is not scheduled for future repeal. (Repeal 10/1/98)
- 6 22-26 Would include for repeal s. 222.22, F.S., relating to the Prepaid Postsecondary Education Expense Board in the Department of Insurance, to comport with the repeal and review under Sundown of other sections relating to the board. (Repeal 10/1/97)
- 6 27-30 Would include for repeal s. 288.1161, F.S., relating to the Sports Advisory Council in the Department of Commerce, to comport with the repeal and review under Sundown of other sections relating to the council. (Repeal 10/1/97)
- 7 1-8 Would include for repeal ss. 341.401-341.422, F.S., relating to magnetic levitation and the Florida High-Speed Rail Transportation Commission in the Department of Transportation, to comport with the repeal and review under Sundown of other sections relating to the commission. (Repeal 10/1/94)
- 7 9-13 Would include for repeal s. 381.703(2), F.S., relating to the Statewide Health Council in the Department of Health and Rehabilitative Services, which meets Sundown criteria but which is not scheduled for future repeal. (Repeal 10/1/97)
- 7 14-18 Would include for repeal s. 403.4131(3) and (4), F.S., relating to the Clean Florida Commission in the Department of Transportation, which meets Sundown criteria but which is not scheduled for future repeal. (Repeal 10/1/98)
- 7 19-24 Would include for repeal s. 411.1072(6)-(10) and (13), F.S., relating to the Community Resource Mother or Father Advisory Committee in the Department of Health and Rehabilitative Services, which meets Sundown criteria but which is not scheduled for future repeal. (Repeal 10/1/98)

Page LinesOther

- 7 25-31 Would amend the repeal of s. 407.50(11)(b), F.S.
8 1-21 (1988 Supp.), which relates to review of hospital budgets
by the Health Care Cost Containment Board, to remove
the reference to the Regulatory Sunset Act
in the conditional repeal of the paragraph when the
board makes a certain finding. Thus, the paragraph would
be reviewed and repealed following fulfillment of the
conditional finding, but not according to the provisions
of the Regulatory Sunset Act. The paragraph is scheduled
also for Sunset review and repeal on October 1, 1992,
which would remain unchanged.
- 8 22-31 Section 14 of ch. 88-159, L.O.F., would be amended to
correct erroneous repeal dates placed on ss. 499.017,
499.018, 499.041, and 499.067, relating to drugs and
cosmetics, which are duplicative of the Sunset review and
repeal scheduled for October 1, 1992.
- 9 1-31 Section 5 of ch. 88-338, L.O.F., would be amended
10 1-12 to provide for the Sunset repeal on October 1, 1992
of s. 627.6745, F.S. (1988 Supp.), relating to Medicare
supplement policies, to comport with other provisions
relating thereto, rather than July 1, 1991, a date not
authorized for repeal under Sunset.
- 10 13-18 Section 2 of ch. 88-363, L.O.F., would be amended
to provide for Sunset repeal of s. 559.927, F.S.
(1988 Supp.), relating to sellers of travel, on
October 1, 1998, rather than on January 1, 1998, a date
not authorized for repeal under Sunset.