

81-259

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Harris, St. Rev.	Kennedy	i. R&C	Fav. /6 amend.
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____

SUBJECT: General Reviser's Bill

BILL No. AND SPONSOR: SB 730 by Senators Scott, Ware and Hair

I. SUMMARY:

SB 730, pursuant to the authority of s. 11.242, F.S., amends, repeals, or reenacts various provisions of the Florida Statutes in order to correct erroneous cross-references; to correct grammatical, typographical, and like errors; to correct errors in the editing, publication, and printing of the statutes; to delete provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; to remove inconsistencies, redundancies, and unnecessary repetition in the statutes; and to otherwise improve the clarity of the statutes and facilitate their correct interpretation. In addition, section 198 of the bill ratifies a duplicate publication, sections 58, 124, 125, 351, 352, 372, and 432 confirm the restoration of provisions inadvertently omitted from republication in the amendatory process, sections 355 and 356 confirm the restoration of ss. 475.452 and 475.4835, respectively, which have been inadvertently repealed through neglect to nullify prior repeals in the regulator review process, and section 472 deletes from s. 665.028 language stricken from the laws of Florida pursuant to court order.

II. COMMENTS:

Technical amendment and conforming title amendment prepared by Statutory Revision.

III. AMENDMENTS:

#1 by Rules and Calendar:
Eliminated the use of the word "diversion" in §189.11(3), Florida Statutes, relating to special districts. The bill passed in 1980 using the word "division."

#2 by Rules and Calendar:
Clarifies that title certificates for boats must contain certain information, but that this requirement does not apply to motor vehicles.

#3 by Rules and Calendar:
This strikes the grammatical and technical revision of the lien laws.

#4 - Title amendment

#5 - Title amendment

#6 - Title amendment

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THE FLORIDA SENATE

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Senator James A. Scott,
Minority Leader

Kenneth Rouse,
Staff Director

May 11, 1981

MEMORANDUM:

TO: Howard Walton
FROM: Sally Munroe
SUBJECT: 1981 Reviser Bills

The legislative staff for the Select Committee on Reviser Bills has reviewed these bills and submits the following report and recommendations:

- A. SB 723 (RB81-5) repeals sections of the Florida Statutes which have been specifically repealed by various "Sunset Laws" and chapters 77-466, 79-82, 79-235-79-288 and 79-396, Laws of Florida.

This bill has been printed. Staff finds that these sections have been specifically repealed by the Legislature and that the bill is technically correct.

- B. SB 726 (RB81-4) Chapter 79-40, Laws of Florida, as amended by 79-312, Laws of Florida, abolished the Industrial Relations Commission and changed the title of "judges of industrial claims" to "deputy commissioners". This bill conforms the Florida Statutes to these changes.

This bill has not been printed. Staff finds that this bill is technically correct.

- C. SB 727 (RB81-1) Chapter 80-61, Laws of Florida, changed the name of the Department of Community Affairs to "Department of Veteran and Community Affairs". This bill conforms the Florida Statutes to this terminology.

This bill has not been printed. Staff finds that this bill is technically correct.

- D. SB 728 (RB81-2) Chapters 79-380 and 79-388, Laws of Florida, changed the term "firemen" throughout the statutes to "firefighters" and redesignated the municipal firemen's pension trust fund as the "municipal firefighters' pension trust funds". This bill conforms the Florida Statutes to this terminology.

This bill is not printed. Staff finds that this bill is technically correct.

- E. SB 729 (RB81-3) Chapter 79-190, Laws of Florida, reorganized the state planning and budgetary functions among the Executive Office of the Governor, the Department of Administration and the Department of Community Affairs. This bill conforms the Florida Statutes to these changes. The bill further conforms the Florida Statutes to Chapter 80-61 which renamed the "Department of Community Affairs" the "Department of Veteran and Community Affairs".

This bill has not been printed. Staff finds that this bill is technically correct.

- F. SB 730 (RB81-7) is the General Reviser's Bill. Section 11.242, Florida Statutes, gives Statutory Revision the authority to correct erroneous cross references, to correct grammatical, typographical and like errors; to correct errors in editing, publication and printing; to delete provisions which have expired, become obsolete, have had their effect, served their function, or have been impliedly repealed or superseded; to remove inconsistencies, redundancies and unnecessary repetition in the statutes; and to otherwise improve the clarity of the statutes and their correct interpretation. This bill is to serve these functions.

This bill has not been printed. Staff finds that this bill is technically correct; however, the committee may wish to review the following areas:

(1) Section 80 (page 76) Chapter 80-407, Laws of Florida, dealt the special districts. Section 189.111 dealt with powers of special districts and subsection 189.111 (3) specifically dealt with control over water supply. Both Senate and House bills, as introduced, used the phrase "division of waters from one area, lake, pond, river, or stream, basin and water control facility to another ..." Chapter 80-407, Laws of Florida, passed in this form. The word "division" has been replaced with the word "diversion". Although the author of the bill represents that this is a typographical error, the

word "diversion" is a word of art when dealing with water supplies and should probably not be inserted without clear legislative intent.

(2) Section 198 (page 192-194) contained in chapter 79-359, Laws of Florida, is a section rewriting the forms to be used for certificates of title for motor vehicles (contained in s. 319.31, Florida Statutes), requiring that they include a space where the seller's price can be indicated. Section 8 of chapter 79-359, Laws of Florida, indicated the intent that certificates of title should contain this information and that no title transfer is valid unless the information is provided. It is clear that this intent section applies to boat titles but it is unclear to whether or not this applies to other motor vehicle titles. An Attorney General's opinion (080-88) states that this section covers all motor vehicles titles) and the reviser's bill section has been included for this purpose.

(3) Sections 477-479 and 481-491, pages 432-440 deal with the "lien" statutes and attempt to clarify the grammatical construction of these sections. These changes are technically correct; however, the rewrite of this chapter might better be an appropriate subject for an interim committee project.

- G. SB 724 (RB81-6) is the judicial decisions reviser's bill which repeals or amends the sections of the Florida Statutes to conform to holdings of the Florida Supreme Court or United States Supreme Court. This bill should be considered on a section by section basis and consists of the following:

Section 1 s. 59-46, Florida Statutes, is repealed. This statute dealt with the payment of attorney fees on appeal and at what point they must be requested in a lawsuit. The Florida Supreme Court held this section unconstitutional as violative of the rule making authority of the court. The section has now been replaced by s. 59-46(2), Florida Statutes, and rule 9.400(b), Florida Rules of Appellate Procedure.

Section 2 - repeals s. 83.770, Florida Statutes through s. 83.794, Florida Statutes. This is the mobile home rent control act. The Florida Supreme Court has declared this act unconstitutional because it exceeds the scope of legislative authority.

Section 3 - paragraph (b) of subsection 3 of Section 95.11, Florida Statutes, is repealed. This is a statute of limitations on paternity actions which the Florida Supreme Court has held unconstitutional because it violates the equal protection provisions of the state and federal constitutions.

COMMITTEE ON Rules & Calendar

DATE May 11, 1981

Date Reported 5/12/81

TIME 3 p.m. - 5 p.m.

FINAL ACTION:

PLACE Room A

Favorably with 6 amendments

OTHER COMMITTEE REFERENCES:
(In order shown)

Favorably with Committee Substitute

None

Unfavorably

OTHER: Temporarily Passed

Reconsidered

THE VOTE WAS:

Not Considered

FINAL BILL VOTE		SENATORS	Amend #1 Scott		Amend #2 Title Scott		Amend #3 Scott		Amend #4 Title Scott		Amend #5 Scott	
Aye	Nay		Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay
		BARRON										
✓		CARLUCCI										
✓		CHILDERS, DON										
✓		FRANK										
PRESENT		GORDON										
✓		HAIR										
THOSE		HENDERSON										
✓		JENNE										
OF		JOHNSTON										
✓		KIRKPATRICK										
OBJECTION		MARGOLIS										
✓		PETERSON										
✓		POOLE										
✓		RENICK										
WITHOUT		SCOTT	WITHOUT OBJECTION		WITHOUT OBJECTION		WITHOUT OBJECTION		WITHOUT OBJECTION		WITHOUT OBJECTION	
✓		STEINBERG										
		STUART	WITHOUT OBJECTION		WITHOUT OBJECTION		WITHOUT OBJECTION		WITHOUT OBJECTION		WITHOUT OBJECTION	
		THOMAS										
✓		TOBIASSEN										
✓		TRASK										
		VOGT										
✓		WARE										
		WINN										
✓		SKINNER										
✓		DUNN, CHAIRMAN										
X		TOTAL	X		X		X		X		X	
Aye	Nay		Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay

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 A Senator appeared ()
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