

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCB CRJS 11-08 Lavatories

**SPONSOR(S):** Criminal Justice Subcommittee; Porth

**TIED BILLS:** None **IDEN./SIM. BILLS:** None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Criminal Justice Subcommittee	14 Y, 0 N	Krol	Cunningham

### SUMMARY ANALYSIS

Section 381.009, F.S., makes it a second degree misdemeanor for a place of employment or place serving the public to charge for the use of any toilet which is required to be provided by the regulation of the Department of Health.

Since 2000, the Department of Law Enforcement reports that there have been no arrests associated with this section of statute.

The proposed committee bill repeals s. 381.009, F.S.

The proposed committee bill is estimated to have no fiscal impact and is effective July 1, 2011.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

Section 381.009, F.S., was created in 1974.<sup>1</sup> It provides that it is a second degree misdemeanor<sup>2</sup> for a place of employment or place serving the public to make a charge for the use of any toilet which is required to be provided by regulation of the Department of Health.

Section 381.009, F.S., has not been amended in a substantive way since its creation. It was amended in 1977<sup>3</sup> to correct the title of the Department of Health. In 1991,<sup>4</sup> the statute was renumbered.<sup>5</sup> Later in 1997,<sup>6</sup> it was amended again to correct the title of the Department of Health.

Since 2000, the Florida Department of Law Enforcement has reported that there have been no arrests associated with this section of statute.

#### **Effect of the Proposed Committee Bill**

The proposed committee bill repeals s. 381.009, F.S.

#### B. SECTION DIRECTORY:

Section 1. Repeals s. 381.009, F.S., relating to toilets required by department regulations; charge for use of prohibited.

Section 2. Provides an effective date of July 1, 2011.

### II. 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.

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<sup>1</sup> Section 1, ch. 74-240, L.O.F.

<sup>2</sup> A second degree misdemeanor is punishable by up to 60 days imprisonment and a \$500 fine. Sections 775.082 and 775.083, F.S.

<sup>3</sup> Section 98, ch. 77-147, L.O.F.

<sup>4</sup> Section 41, ch. 91-297, L.O.F.

<sup>5</sup> Formerly s. 381.522, F.S.

<sup>6</sup> Section 42, ch. 97-101, L.O.F.

D. FISCAL COMMENTS:

None.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill appears to be exempt from the requirements of Article VII, Section 18 of the Florida Constitution because it is a criminal law.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**