



HB 1009

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A reviser's bill to be entitled  
 An act relating to the Florida Statutes; repealing ss.  
 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.35,  
 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45,  
 101.46, 101.47, 101.54, 101.55, 101.56, 110.207, 110.209,  
 206.9825(2), 253.01(2)(b), 257.17(4), 265.2861(1)(e)2.,  
 318.21(2)(i), 324.202, 339.135(7)(g), 372.107(3),  
 373.59(1)(b), 408.036(3)(s), 443.231, 468.803(4), 504.21,  
 504.22, 504.23, 504.24, 504.25, 504.26, 504.27, 504.28,  
 504.29, 504.31, 504.32, 504.33, 504.34, 504.35, 504.36,  
 624.4075, 624.463, 624.469, 713.18(3), and 985.422, F.S.,  
 all of which provisions have become inoperative by  
 noncurrent repeal or expiration and, pursuant to s.  
 11.242(5)(b) and (i), may be omitted from the Florida  
 Statutes 2003 only through a reviser's bill duly enacted  
 by the Legislature; amending ss. 324.201(4) and (5),  
 627.732(7), and 627.733(7), F.S., to conform to the repeal  
 of s. 324.202, F.S.; and reenacting s. 206.9825(1), F.S.,  
 to conform to the reenactment and amendment of paragraph  
 (b) of that subsection by s. 10, ch. 2002-218, Laws of  
 Florida.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Sections 101.011, 101.27, as amended by section  
 16 of chapter 2002-1, 101.28, 101.29, 101.32, 101.33, 101.35,  
 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46,  
 101.47, 101.54, 101.55, and 101.56, Florida Statutes, are  
 repealed.



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31 Reviser's note.--The cited sections, which relate to  
 32 ballots and voting machines, were expressly repealed by s.  
 33 33, ch. 2001-40, Laws of Florida, effective September 2,  
 34 2002. Since the sections were not repealed by a "current  
 35 session" of the Legislature, they may be omitted from the  
 36 Florida Statutes 2003 only through a reviser's bill duly  
 37 enacted by the Legislature. See s. 11.242(5)(b) and (i).

38  
 39 Section 2. Sections 110.207 and 110.209, Florida Statutes,  
 40 are repealed.

41  
 42 Reviser's note.--The cited sections, which relate to  
 43 the classification and pay plans for career service  
 44 positions, were expressly repealed by s. 16, ch. 2001-  
 45 43, Laws of Florida. Since the sections were not  
 46 repealed by a "current session" of the Legislature,  
 47 they may be omitted from the Florida Statutes 2003  
 48 only through a reviser's bill duly enacted by the  
 49 Legislature. See s. 11.242(5)(b) and (i).

50  
 51 Section 3. Subsection (2) of section 206.9825, Florida  
 52 Statutes, is repealed and subsection (1) of that section is  
 53 reenacted to read:

54 206.9825 Aviation fuel tax.--

55 (1)(a) Except as otherwise provided in this part, an  
 56 excise tax of 6.9 cents per gallon of aviation fuel is imposed  
 57 upon every gallon of aviation fuel sold in this state, or  
 58 brought into this state for use, upon which such tax has not  
 59 been paid or the payment thereof has not been lawfully assumed  
 60 by some person handling the same in this state. Fuel taxed



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61 pursuant to this part shall not be subject to the taxes imposed  
62 by ss. 206.41(1)(d), (e), and (f) and 206.87(1)(b), (c), and  
63 (d).

64 (b) Any licensed wholesaler or terminal supplier that  
65 delivers aviation fuel to an air carrier offering  
66 transcontinental jet service and that, after January 1, 1996,  
67 increases the air carrier's Florida workforce by more than 1000  
68 percent and by 250 or more full-time equivalent employee  
69 positions, may receive a credit or refund as the ultimate vendor  
70 of the aviation fuel for the 6.9 cents excise tax previously  
71 paid, provided that the air carrier has no facility for fueling  
72 highway vehicles from the tank in which the aviation fuel is  
73 stored. In calculating the new or additional Florida full-time  
74 equivalent employee positions, any full-time equivalent employee  
75 positions of parent or subsidiary corporations which existed  
76 before January 1, 1996, shall not be counted toward reaching the  
77 Florida employment increase thresholds. The refund allowed  
78 under this paragraph is in furtherance of the goals and policies  
79 of the State Comprehensive Plan set forth in s.  
80 187.201(17)(a),(b)1., 2., (18)(a), (b)1., 4., (20)(a), (b)5.,  
81 (22)(a), (b)1., 2., 4., 7., 9., and 12.

82 (c) If, before July 1, 2001, the number of full-time  
83 equivalent employee positions created or added to the air  
84 carrier's Florida workforce falls below 250, the exemption  
85 granted pursuant to this section shall not apply during the  
86 period in which the air carrier has fewer than the 250  
87 additional employees.

88 (d) The exemption taken by credit or refund pursuant to  
89 paragraph (b) shall apply only under the terms and conditions  
90 set forth therein. If any part of that paragraph is judicially



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91 declared to be unconstitutional or invalid, the validity of any  
92 provisions taxing aviation fuel shall not be affected and all  
93 fuel exempted pursuant to paragraph (b) shall be subject to tax  
94 as if the exemption was never enacted. Every person benefiting  
95 from such exemption shall be liable for and make payment of all  
96 taxes for which a credit or refund was granted.

97  
98 Reviser's note.--Subsection (1) is reenacted to  
99 confirm the continued existence of paragraphs (b)-(d)  
100 of that subsection. Paragraph (1)(b) expired pursuant  
101 to its own terms effective July 1, 2001; it was  
102 included in s. 5, ch. 2002-2, Laws of Florida, a  
103 reviser's bill, to confirm that expiration. Paragraphs  
104 (1)(c) and (d), which were tied to paragraph (1)(b),  
105 were also repealed by s. 5, ch. 2002-2, to conform to  
106 the expiration of paragraph(1)(b). Section 10, ch.  
107 2002-218, Laws of Florida, reenacted and amended  
108 paragraph (1)(b), indicating a substantive intent to  
109 continue the paragraph. In view of the substantive  
110 reenactment and amendment, subsection (1) is  
111 reenacted, including paragraphs (b)-(d), to conform to  
112 the intent of s. 10, ch. 2002-218. Subsection (2),  
113 which relates to air carriers making a specified  
114 election, expired pursuant to its own terms effective  
115 July 1, 2000; that repeal was confirmed by s. 5, ch.  
116 2002-2. However, the reenactment and amendment of  
117 paragraph (1)(b) by s. 10, ch. 2002-218, raised an  
118 issue as to legislative intent regarding subsection  
119 (2), which relates to paragraph (1)(b). Legislative  
120 confirmation of the intent to repeal subsection (2) is



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121 needed in light of any possible effect or intent by s.  
 122 10, ch. 2002-218.

123  
 124 Section 4. Paragraph (b) of subsection (2) of section  
 125 253.01, Florida Statutes, is repealed.

126  
 127 Reviser's note.--The cited paragraph, which provides  
 128 that, for the 2001-2002 fiscal year only, the use of  
 129 funds allocated to the Internal Improvement Trust Fund  
 130 shall be as provided in the General Appropriations  
 131 Act, expired pursuant to its own terms, effective July  
 132 1, 2002.

133  
 134 Section 5. Subsection (4) of section 257.17, Florida  
 135 Statutes, is repealed.

136  
 137 Reviser's note.--The cited subsection, which relates  
 138 to annual operating grants for municipal library  
 139 operation and maintenance if specified conditions are  
 140 met, expired pursuant to its own terms, effective July  
 141 1, 2002.

142  
 143 Section 6. Subparagraph 2. of paragraph (e) of subsection  
 144 (1) of section 265.2861, Florida Statutes, as amended by section  
 145 930 of chapter 2002-387, Laws of Florida, is repealed.

146  
 147 Reviser's note.--The cited subparagraph, which  
 148 provides that subparagraph (1)(e)1., relating to  
 149 state-owned cultural facilities, is not applicable for



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150 fiscal year 2001-2002, expired pursuant to its own  
 151 terms, effective July 1, 2002.

152  
 153 Section 7. Paragraph (i) of subsection (2) of section  
 154 318.21, Florida Statutes, is repealed.

155  
 156 Reviser's note.--The cited paragraph, which relates to  
 157 specified funding for fiscal year 2001-2002 only,  
 158 expired pursuant to its own terms, effective July 1,  
 159 2002.

160  
 161 Section 8. Subsections (4) and (5) of section 324.201,  
 162 Florida Statutes, are amended to read:

163 324.201 Return of license or registration to department.--

164 (4) All information obtained by the department regarding  
 165 compliance with the provisions of this chapter shall be made  
 166 available to all law enforcement agencies, ~~and recovery agents~~  
 167 ~~or recovery agencies authorized under s. 324.202 to seize~~  
 168 ~~license plates,~~ for the purpose of enforcing this chapter. Law  
 169 enforcement agencies ~~and recovery agents or recovery agencies~~  
 170 may utilize that information to seize the license plate of any  
 171 motor vehicle which has a suspended registration as a result of  
 172 noncompliance by the operator or owner of the motor vehicle  
 173 under the provisions of this chapter.

174 ~~(5) When a recovery agent or recovery agency obtains a~~  
 175 ~~seized license plate in accordance with this chapter, the~~  
 176 ~~license plate shall be delivered to a driver license office on~~  
 177 ~~the next business day.~~

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179 Reviser's note.--Amended to conform to the repeal of  
180 s. 324.202, providing for the seizure of motor vehicle  
181 license plates by recovery agents, effective July 1,  
182 2002.

183  
184 Section 9. Section 324.202, Florida Statutes, is repealed.

185  
186 Reviser's note.--The cited section, which relates to a  
187 program using recovery agents for seizure of motor  
188 vehicle license plates, expired pursuant to its own  
189 terms, effective July 1, 2002.

190  
191 Section 10. Paragraph (g) of subsection (7) of section  
192 339.135, Florida Statutes, is repealed.

193  
194 Reviser's note.--The cited paragraph, which provides  
195 that, for the 2001-2002 fiscal year only, the  
196 Department of Transportation's adopted work program  
197 shall be adjusted to include projects approved as  
198 economic stimulus projects resulting from additional  
199 appropriations made by chapter 2001-367, Laws of  
200 Florida, expired pursuant to its own terms, effective  
201 July 1, 2002.

202  
203 Section 11. Subsection (3) of section 372.107, Florida  
204 Statutes, is repealed.

205  
206 Reviser's note.--The cited subsection, which provides  
207 for the termination of the Federal Law Enforcement  
208 Trust Fund within the Fish and Wildlife Conservation



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209 Commission pursuant to s. 19(f)(2), Art. III of the  
210 State Constitution, effective July 1, 2002, was  
211 repealed by s. 2, ch. 2001-33, Laws of Florida,  
212 effective July 1, 2002. Since the subsection was not  
213 repealed by a "current session" of the Legislature, it  
214 may be omitted from the Florida Statutes 2003 only  
215 through a reviser's bill duly enacted by the  
216 Legislature. See s. 11.242(5)(b) and (i).

217

218 Section 12. Paragraph (b) of subsection (1) of section  
219 373.59, Florida Statutes, is repealed.

220

221 Reviser's note.--The cited paragraph, which requires  
222 that, for the 2001-2002 fiscal year only, the use of  
223 funds allocated to the Water Management Lands Trust  
224 Fund shall be as provided in the General  
225 Appropriations Act, expired pursuant to its own terms,  
226 effective July 1, 2002.

227

228 Section 13. Paragraph (s) of subsection (3) of section  
229 408.036, Florida Statutes, is repealed.

230

231 Reviser's note.--The cited paragraph, which relates to  
232 an exemption from review for the transfer by a health  
233 care system of existing services and not more than 100  
234 licensed and approved beds from a hospital in district  
235 1, subdistrict 1, to another location within the same  
236 subdistrict for specified purposes for fiscal year  
237 2001-2002 only, expired pursuant to its own terms,  
238 effective July 1, 2002.





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Section 14. Section 443.231, Florida Statutes, is repealed.

Reviser's note.--Section 443.231 provides for the Florida Training Investment Program. The program terminated June 30, 2002, pursuant to s. 443.231(8), in effect a repeal of the section by its own terms.

Section 15. Subsection (4) of section 468.803, Florida Statutes, is repealed.

Reviser's note.--The cited subsection, which relates to alternate requirements for licensure as an orthotist, prosthetist, or prosthetist-orthotist, expired pursuant to its own terms, effective July 1, 2002.

Section 16. Sections 504.21, 504.22, 504.23, 504.24, 504.25, 504.26, 504.27, 504.28, 504.29, 504.31, 504.32, 504.33, 504.34, 504.35, and 504.36, Florida Statutes, are repealed.

Reviser's note.--The cited sections, which relate to organic farming and food, were expressly repealed by s. 17, ch. 2001-279, Laws of Florida, effective December 31, 2002. Since the sections were not repealed by a "current session" of the Legislature, they may be omitted from the Florida Statutes 2003 only through a reviser's bill duly enacted by the Legislature. See s. 11.242(5)(b) and (i).



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Section 17. Sections 624.4075, Florida Statutes, as amended by section 2 of chapter 92-29, Laws of Florida; 624.463, Florida Statutes, as amended by section 82 of chapter 93-415, Laws of Florida; and 624.469, Florida Statutes, as amended by section 13 of chapter 95-211, Laws of Florida, are repealed.

Reviser's note.--The cited sections were repealed effective October 1, 2001, by s. 188, ch. 91-108, Laws of Florida, and legislative review pursuant to s. 11.61 was required. Section 4(1), ch. 91-429, Laws of Florida, repealed s. 11.61. Section 4(2)(i) provides that a lengthy list of provisions subject to October 1, 2001, repeal pursuant to s. 11.61 are not repealed. The list failed to include ss. 624.4075, 624.463, and 624.469.

Section 18. Subsection (7) of section 627.732, Florida Statutes, is amended to read:

627.732 Definitions.--As used in ss. 627.730-627.7405, the term:

~~(7) "Recovery agent" means any person or agency who is licensed as a recovery agent or recovery agency and authorized under s. 324.202 to seize license plates.~~

Reviser's note.--The definition of "recovery agent" is deleted to conform to the repeal of s. 324.202, providing for the seizure of motor vehicle license plates by recovery agents, effective July 1, 2002.



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299 Section 19. Subsection (7) of section 627.733, Florida  
300 Statutes, is amended to read:

301 627.733 Required security.--

302 (7) Any operator or owner whose driver's license or  
303 registration has been suspended pursuant to this section or s.  
304 316.646 may effect its reinstatement upon compliance with the  
305 requirements of this section and upon payment to the Department  
306 of Highway Safety and Motor Vehicles of a nonrefundable  
307 reinstatement fee of \$150 for the first reinstatement. Such  
308 reinstatement fee shall be \$250 for the second reinstatement and  
309 \$500 for each subsequent reinstatement during the 3 years  
310 following the first reinstatement. Any person reinstating her or  
311 his insurance under this subsection must also secure  
312 noncancelable coverage as described in s. 627.7275(2) and  
313 present to the appropriate person proof that the coverage is in  
314 force on a form promulgated by the Department of Highway Safety  
315 and Motor Vehicles, such proof to be maintained for 2 years. If  
316 the person does not have a second reinstatement within 3 years  
317 after her or his initial reinstatement, the reinstatement fee  
318 shall be \$150 for the first reinstatement after that 3-year  
319 period. In the event that a person's license and registration  
320 are suspended pursuant to this section or s. 316.646, only one  
321 reinstatement fee shall be paid to reinstate the license and the  
322 registration. All fees shall be collected by the Department of  
323 Highway Safety and Motor Vehicles at the time of reinstatement.  
324 The Department of Highway Safety and Motor Vehicles shall issue  
325 proper receipts for such fees and shall promptly deposit those  
326 fees in the Highway Safety Operating Trust Fund. One-third of  
327 the fee collected under this subsection shall be distributed  
328 from the Highway Safety Operating Trust Fund to the local



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329 government entity or state agency which employed the law  
 330 enforcement officer ~~or the recovery agent~~ who seizes a license  
 331 plate pursuant to s. 324.201 ~~or to s. 324.202~~. Such funds may be  
 332 used by the local government entity or state agency for any  
 333 authorized purpose.

334  
 335 Reviser's note.--Amended to conform to the repeal of  
 336 s. 324.202, providing for the seizure of motor vehicle  
 337 license plates by recovery agents, effective July 1,  
 338 2002.

339  
 340 Section 20. Subsection (3) of section 713.18, Florida  
 341 Statutes, is repealed.

342  
 343 Reviser's note.--The cited subsection, which relates  
 344 to facsimile transmission of service of notices or  
 345 copies thereof relating to certain liens, was repealed  
 346 by s. 12, ch. 2001-211, Laws of Florida, effective  
 347 July 1, 2002. Since the subsection was not repealed by  
 348 a "current session" of the Legislature, it may be  
 349 omitted from the Florida Statutes 2003 only through a  
 350 reviser's bill duly enacted by the Legislature. See s.  
 351 11.242(5)(b) and (i).

352  
 353 Section 21. Section 985.422, Florida Statutes, is  
 354 repealed.

355  
 356 Reviser's note.--The cited section, which relates to  
 357 maintenance of state-owned juvenile justice



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358 facilities, expired pursuant to its own terms,  
359 effective July 1, 2002.

360

361 Section 22. This act shall take effect on the 60th day  
362 after adjournment sine die of the session of the Legislature in  
363 which enacted.