

By Senator Lee

rb07sb-03

1 A reviser's bill to be entitled
2 An act relating to the Florida Statutes;
3 repealing ss. 101.011, 101.27, 101.28, 101.29,
4 101.32, 101.33, 101.35, 101.36, 101.37, 101.38,
5 101.39, 101.40, 101.445, 101.45, 101.46,
6 101.47, 101.54, 101.55, 101.56, 110.207,
7 110.209, 206.9825(2), 253.01(2)(b), 257.17(4),
8 265.2861(1)(e)2., 318.21(2)(i), 324.202,
9 339.135(7)(g), 372.107(3), 373.59(1)(b),
10 408.036(3)(s), 443.231, 468.803(4), 504.21,
11 504.22, 504.23, 504.24, 504.25, 504.26, 504.27,
12 504.28, 504.29, 504.31, 504.32, 504.33, 504.34,
13 504.35, 504.36, 624.4075, 624.463, 624.469,
14 713.18(3), and 985.422, F.S., all of which
15 provisions have become inoperative by
16 noncurrent repeal or expiration and, pursuant
17 to s. 11.242(5)(b) and (i), may be omitted from
18 the Florida Statutes 2003 only through a
19 reviser's bill duly enacted by the Legislature;
20 amending ss. 324.201(4) and (5), 627.732(7),
21 and 627.733(7), F.S., to conform to the repeal
22 of s. 324.202, F.S.; and reenacting s.
23 206.9825(1), F.S., to conform to the
24 reenactment and amendment of paragraph (b) of
25 that subsection by s. 10, ch. 2002-218, Laws of
26 Florida.

27
28 Be It Enacted by the Legislature of the State of Florida:

29
30 Section 1. Sections 101.011, 101.27, as amended by
31 section 16 of chapter 2002-1, 101.28, 101.29, 101.32, 101.33,

1 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445,
2 101.45, 101.46, 101.47, 101.54, 101.55, and 101.56, Florida
3 Statutes, are repealed.

4
5 Reviser's note.--The cited sections, which
6 relate to ballots and voting machines, were
7 expressly repealed by s. 33, ch. 2001-40, Laws
8 of Florida, effective September 2, 2002. Since
9 the sections were not repealed by a "current
10 session" of the Legislature, they may be
11 omitted from the Florida Statutes 2003 only
12 through a reviser's bill duly enacted by the
13 Legislature. See s. 11.242(5)(b) and (i).

14
15 Section 2. Sections 110.207 and 110.209, Florida
16 Statutes, are repealed.

17
18 Reviser's note.--The cited sections, which
19 relate to the classification and pay plans for
20 career service positions, were expressly
21 repealed by s. 16, ch. 2001-43, Laws of
22 Florida. Since the sections were not repealed
23 by a "current session" of the Legislature, they
24 may be omitted from the Florida Statutes 2003
25 only through a reviser's bill duly enacted by
26 the Legislature. See s. 11.242(5)(b) and (i).

27
28 Section 3. Subsection (2) of section 206.9825, Florida
29 Statutes, is repealed and subsection (1) of that section is
30 reenacted to read:

31 206.9825 Aviation fuel tax.--

1 (1)(a) Except as otherwise provided in this part, an
2 excise tax of 6.9 cents per gallon of aviation fuel is imposed
3 upon every gallon of aviation fuel sold in this state, or
4 brought into this state for use, upon which such tax has not
5 been paid or the payment thereof has not been lawfully assumed
6 by some person handling the same in this state. Fuel taxed
7 pursuant to this part shall not be subject to the taxes
8 imposed by ss. 206.41(1)(d), (e), and (f) and 206.87(1)(b),
9 (c), and (d).

10 (b) Any licensed wholesaler or terminal supplier that
11 delivers aviation fuel to an air carrier offering
12 transcontinental jet service and that, after January 1, 1996,
13 increases the air carrier's Florida workforce by more than
14 1000 percent and by 250 or more full-time equivalent employee
15 positions, may receive a credit or refund as the ultimate
16 vendor of the aviation fuel for the 6.9 cents excise tax
17 previously paid, provided that the air carrier has no facility
18 for fueling highway vehicles from the tank in which the
19 aviation fuel is stored. In calculating the new or additional
20 Florida full-time equivalent employee positions, any full-time
21 equivalent employee positions of parent or subsidiary
22 corporations which existed before January 1, 1996, shall not
23 be counted toward reaching the Florida employment increase
24 thresholds. The refund allowed under this paragraph is in
25 furtherance of the goals and policies of the State
26 Comprehensive Plan set forth in s. 187.201(17)(a), (b)1., 2.,
27 (18)(a), (b)1., 4., (20)(a), (b)5., (22)(a), (b)1., 2., 4.,
28 7., 9., and 12.

29 (c) If, before July 1, 2001, the number of full-time
30 equivalent employee positions created or added to the air
31 carrier's Florida workforce falls below 250, the exemption

1 granted pursuant to this section shall not apply during the
2 period in which the air carrier has fewer than the 250
3 additional employees.

4 (d) The exemption taken by credit or refund pursuant
5 to paragraph (b) shall apply only under the terms and
6 conditions set forth therein. If any part of that paragraph
7 is judicially declared to be unconstitutional or invalid, the
8 validity of any provisions taxing aviation fuel shall not be
9 affected and all fuel exempted pursuant to paragraph (b) shall
10 be subject to tax as if the exemption was never enacted.
11 Every person benefiting from such exemption shall be liable
12 for and make payment of all taxes for which a credit or refund
13 was granted.

14
15 Reviser's note.--Subsection (1) is reenacted to
16 confirm the continued existence of paragraphs
17 (b)-(d) of that subsection. Paragraph (1)(b)
18 expired pursuant to its own terms effective
19 July 1, 2001; it was included in s. 5, ch.
20 2002-2, Laws of Florida, a reviser's bill, to
21 confirm that expiration. Paragraphs (1)(c) and
22 (d), which were tied to paragraph (1)(b), were
23 also repealed by s. 5, ch. 2002-2, to conform
24 to the expiration of paragraph (1)(b). Section
25 10, ch. 2002-218, Laws of Florida, reenacted
26 and amended paragraph (1)(b), indicating a
27 substantive intent to continue the paragraph.
28 In view of the substantive reenactment and
29 amendment, subsection (1) is reenacted,
30 including paragraphs (b)-(d), to conform to the
31 intent of s. 10, ch. 2002-218. Subsection (2),

1 which relates to air carriers making a
2 specified election, expired pursuant to its own
3 terms effective July 1, 2000; that repeal was
4 confirmed by s. 5, ch. 2002-2. However, the
5 reenactment and amendment of paragraph (1)(b)
6 by s. 10, ch. 2002-218, raised an issue as to
7 legislative intent regarding subsection (2),
8 which relates to paragraph (1)(b). Legislative
9 confirmation of the intent to repeal subsection
10 (2) is needed in light of any possible effect
11 or intent by s. 10, ch. 2002-218.

12
13 Section 4. Paragraph (b) of subsection (2) of section
14 253.01, Florida Statutes, is repealed.

15
16 Reviser's note.--The cited paragraph, which
17 provides that, for the 2001-2002 fiscal year
18 only, the use of funds allocated to the
19 Internal Improvement Trust Fund shall be as
20 provided in the General Appropriations Act,
21 expired pursuant to its own terms, effective
22 July 1, 2002.

23
24 Section 5. Subsection (4) of section 257.17, Florida
25 Statutes, is repealed.

26
27 Reviser's note.--The cited subsection, which
28 relates to annual operating grants for
29 municipal library operation and maintenance if
30 specified conditions are met, expired pursuant
31 to its own terms, effective July 1, 2002.

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

5
6 Reviser's note.--The cited subparagraph, which
7 provides that subparagraph (1)(e)1., relating
8 to state-owned cultural facilities, is not
9 applicable for fiscal year 2001-2002, expired
10 pursuant to its own terms, effective July 1,
11 2002.

12
13 Section 7. Paragraph (i) of subsection (2) of section
14 318.21, Florida Statutes, is repealed.

15
16 Reviser's note.--The cited paragraph, which
17 relates to specified funding for fiscal year
18 2001-2002 only, expired pursuant to its own
19 terms, effective July 1, 2002.

20
21 Section 8. Subsections (4) and (5) of section 324.201,
22 Florida Statutes, are amended to read:

23 324.201 Return of license or registration to
24 department.--

25 (4) All information obtained by the department
26 regarding compliance with the provisions of this chapter shall
27 be made available to all law enforcement agencies, ~~and~~
28 ~~recovery agents or recovery agencies authorized under s.~~
29 ~~324.202 to seize license plates,~~ for the purpose of enforcing
30 this chapter. Law enforcement agencies ~~and recovery agents or~~
31 ~~recovery agencies~~ may utilize that information to seize the

1 license plate of any motor vehicle which has a suspended
2 registration as a result of noncompliance by the operator or
3 owner of the motor vehicle under the provisions of this
4 chapter.

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

9
10 Reviser's note.--Amended to conform to the
11 repeal of s. 324.202, providing for the seizure
12 of motor vehicle license plates by recovery
13 agents, effective July 1, 2002.

14
15 Section 9. Section 324.202, Florida Statutes, is
16 repealed.

17
18 Reviser's note.--The cited section, which
19 relates to a program using recovery agents for
20 seizure of motor vehicle license plates,
21 expired pursuant to its own terms, effective
22 July 1, 2002.

23
24 Section 10. Paragraph (g) of subsection (7) of section
25 339.135, Florida Statutes, is repealed.

26
27 Reviser's note.--The cited paragraph, which
28 provides that, for the 2001-2002 fiscal year
29 only, the Department of Transportation's
30 adopted work program shall be adjusted to
31 include projects approved as economic stimulus

1 projects resulting from additional
2 appropriations made by chapter 2001-367, Laws
3 of Florida, expired pursuant to its own terms,
4 effective July 1, 2002.

5
6 Section 11. Subsection (3) of section 372.107, Florida
7 Statutes, is repealed.

8
9 Reviser's note.--The cited subsection, which
10 provides for the termination of the Federal Law
11 Enforcement Trust Fund within the Fish and
12 Wildlife Conservation Commission pursuant to s.
13 19(f)(2), Art. III of the State Constitution,
14 effective July 1, 2002, was repealed by s. 2,
15 ch. 2001-33, Laws of Florida, effective July 1,
16 2002. Since the subsection was not repealed by
17 a "current session" of the Legislature, it may
18 be omitted from the Florida Statutes 2003 only
19 through a reviser's bill duly enacted by the
20 Legislature. See s. 11.242(5)(b) and (i).

21
22 Section 12. Paragraph (b) of subsection (1) of section
23 373.59, Florida Statutes, is repealed.

24
25 Reviser's note.--The cited paragraph, which
26 requires that, for the 2001-2002 fiscal year
27 only, the use of funds allocated to the Water
28 Management Lands Trust Fund shall be as
29 provided in the General Appropriations Act,
30 expired pursuant to its own terms, effective
31 July 1, 2002.

1 Section 13. Paragraph (s) of subsection (3) of section
2 408.036, Florida Statutes, is repealed.

3
4 Reviser's note.--The cited paragraph, which
5 relates to an exemption from review for the
6 transfer by a health care system of existing
7 services and not more than 100 licensed and
8 approved beds from a hospital in district 1,
9 subdistrict 1, to another location within the
10 same subdistrict for specified purposes for
11 fiscal year 2001-2002 only, expired pursuant to
12 its own terms, effective July 1, 2002.

13
14 Section 14. Section 443.231, Florida Statutes, is
15 repealed.

16
17 Reviser's note.--Section 443.231 provides for
18 the Florida Training Investment Program. The
19 program terminated June 30, 2002, pursuant to
20 s. 443.231(8), in effect a repeal of the
21 section by its own terms.

22
23 Section 15. Subsection (4) of section 468.803, Florida
24 Statutes, is repealed.

25
26 Reviser's note.--The cited subsection, which
27 relates to alternate requirements for licensure
28 as an orthotist, prosthetist, or
29 prosthetist-orthotist, expired pursuant to its
30 own terms, effective July 1, 2002.

1 Section 16. Sections 504.21, 504.22, 504.23, 504.24,
2 504.25, 504.26, 504.27, 504.28, 504.29, 504.31, 504.32,
3 504.33, 504.34, 504.35, and 504.36, Florida Statutes, are
4 repealed.

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

15
16 Section 17. Sections 624.4075, Florida Statutes, as
17 amended by section 2 of chapter 92-29, Laws of Florida;
18 624.463, Florida Statutes, as amended by section 82 of chapter
19 93-415, Laws of Florida; and 624.469, Florida Statutes, as
20 amended by section 13 of chapter 95-211, Laws of Florida, are
21 repealed.

22
23 Reviser's note.--The cited sections were
24 repealed effective October 1, 2001, by s. 188,
25 ch. 91-108, Laws of Florida, and legislative
26 review pursuant to s. 11.61 was required.
27 Section 4(1), ch. 91-429, Laws of Florida,
28 repealed s. 11.61. Section 4(2)(i) provides
29 that a lengthy list of provisions subject to
30 October 1, 2001, repeal pursuant to s. 11.61
31

1 are not repealed. The list failed to include
2 ss. 624.4075, 624.463, and 624.469.

3
4 Section 18. Subsection (7) of section 627.732, Florida
5 Statutes, is amended to read:

6 627.732 Definitions.--As used in ss. 627.730-627.7405,
7 the term:

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

11
12 Reviser's note.--The definition of "recovery
13 agent" is deleted to conform to the repeal of
14 s. 324.202, providing for the seizure of motor
15 vehicle license plates by recovery agents,
16 effective July 1, 2002.

17
18 Section 19. Subsection (7) of section 627.733, Florida
19 Statutes, is amended to read:

20 627.733 Required security.--

21 (7) Any operator or owner whose driver's license or
22 registration has been suspended pursuant to this section or s.
23 316.646 may effect its reinstatement upon compliance with the
24 requirements of this section and upon payment to the
25 Department of Highway Safety and Motor Vehicles of a
26 nonrefundable reinstatement fee of \$150 for the first
27 reinstatement. Such reinstatement fee shall be \$250 for the
28 second reinstatement and \$500 for each subsequent
29 reinstatement during the 3 years following the first
30 reinstatement. Any person reinstating her or his insurance
31 under this subsection must also secure noncancelable coverage

1 as described in s. 627.7275(2) and present to the appropriate
2 person proof that the coverage is in force on a form
3 promulgated by the Department of Highway Safety and Motor
4 Vehicles, such proof to be maintained for 2 years. If the
5 person does not have a second reinstatement within 3 years
6 after her or his initial reinstatement, the reinstatement fee
7 shall be \$150 for the first reinstatement after that 3-year
8 period. In the event that a person's license and registration
9 are suspended pursuant to this section or s. 316.646, only one
10 reinstatement fee shall be paid to reinstate the license and
11 the registration. All fees shall be collected by the
12 Department of Highway Safety and Motor Vehicles at the time of
13 reinstatement. The Department of Highway Safety and Motor
14 Vehicles shall issue proper receipts for such fees and shall
15 promptly deposit those fees in the Highway Safety Operating
16 Trust Fund. One-third of the fee collected under this
17 subsection shall be distributed from the Highway Safety
18 Operating Trust Fund to the local government entity or state
19 agency which employed the law enforcement officer ~~or the~~
20 ~~recovery agent~~ who seizes a license plate pursuant to s.
21 324.201 ~~or to s. 324.202~~. Such funds may be used by the local
22 government entity or state agency for any authorized purpose.
23

24 Reviser's note.--Amended to conform to the
25 repeal of s. 324.202, providing for the seizure
26 of motor vehicle license plates by recovery
27 agents, effective July 1, 2002.
28

29 Section 20. Subsection (3) of section 713.18, Florida
30 Statutes, is repealed.
31

1 Reviser's note.--The cited subsection, which
2 relates to facsimile transmission of service of
3 notices or copies thereof relating to certain
4 liens, was repealed by s. 12, ch. 2001-211,
5 Laws of Florida, effective July 1, 2002. Since
6 the subsection was not repealed by a "current
7 session" of the Legislature, it may be omitted
8 from the Florida Statutes 2003 only through a
9 reviser's bill duly enacted by the Legislature.
10 See s. 11.242(5)(b) and (i).

11
12 Section 21. Section 985.422, Florida Statutes, is
13 repealed.

14
15 Reviser's note.--The cited section, which
16 relates to maintenance of state-owned juvenile
17 justice facilities, expired pursuant to its own
18 terms, effective July 1, 2002.

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