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A reviser's bill to be entitled

An act relating to the Florida Statutes; repealing ss. 20.19(5)(b)2., 20.3315(3), 27.005, 27.006, 27.271, 27.33, 27.3455, 27.36, 27.385, 27.605, 29.002, 29.003, 29.009, 29.011, 43.28, 50.071, 57.091, 166.411(11), 196.1994, 202.27(7), 213.131(2), 216.181(17), 216.292(5)(f), 218.325, 220.191(1)(h)2., 252.373(1)(b) and (c), 259.105(21), 288.9511, 288.9515, 288.9517, 339.08(4), 339.082(3), 372.127(3), 372.561(9), 376.875(6), 381.79(7), 456.0375, 601.15(3)(f), 723.06115(3), 914.06, 925.035, 925.036, 925.037, 932.7055(5)(d), 939.05, 939.07, 939.10, 939.15, 985.4075(2), 1004.225, and 1010.87(3), 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 2005 Florida Statutes only through a reviser's bill duly enacted by the Legislature; amending s. 378.035, F.S., to delete obsolete material and repeal a provision that has become inoperative by noncurrent expiration and, pursuant to s. 11.242(5)(b) and (i), may be omitted from the 2005 Florida Statutes only through a reviser's bill duly enacted by the Legislature; repealing s. 383.410, F.S., to confirm the October 2, 2004, repeal of an exemption in accordance with the Open Government Sunset Review Act of 1995; amending s. 202.35(3), F.S., to conform to the repeal of s. 202.27(7), F.S.; and amending s. 627.732(1)(a), F.S., to conform to the repeal of s. 456.0375, F.S.; providing an effective date.

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

31

32 Section 1. Subparagraph 2. of paragraph (b) of subsection
 33 (5) of section 20.19, Florida Statutes, as amended by section 12
 34 of chapter 2004-269, Laws of Florida, is repealed.

35

36 Reviser's note.--The cited subparagraph, which relates
 37 to transfer authority for the 2003-2004 fiscal year
 38 only, as to funds for service districts within the
 39 Department of Children and Family Services, expired
 40 pursuant to its own terms, effective July 1, 2004.

41

42 Section 2. Subsection (3) of section 20.3315, Florida
 43 Statutes, is repealed.

44

45 Reviser's note.--The cited subsection, which relates
 46 to termination of the Florida Forever Program Trust
 47 Fund of the Florida Fish and Wildlife Conservation
 48 Commission, was repealed pursuant to s. 2, ch. 2001-
 49 25, Laws of Florida, effective July 1, 2004. Since the
 50 subsection was not repealed by a "current session" of
 51 the Legislature, it may be omitted from the 2005
 52 Florida Statutes only through a reviser's bill duly
 53 enacted by the Legislature. See s. 11.242(5)(b) and
 54 (i).

55

56 Section 3. Sections 27.005, 27.006, 27.271, 27.33,
 57 27.3455, 27.36, 27.385, 27.605, 29.002, 29.003, 29.009, 29.011,
 58 43.28, 50.071, 57.091, 218.325, 914.06, 925.035, 925.036,

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59 925.037, 939.05, 939.07, 939.10, and 939.15, Florida Statutes,
60 are repealed.

61
62 Reviser's note.--The cited sections, which relate to
63 the court system and related funding, were repealed by
64 s. 153, ch. 2003-402, Laws of Florida, effective July
65 1, 2004. Since the sections were not repealed by a
66 "current session" of the Legislature, they may be
67 omitted from the 2005 Florida Statutes only through a
68 reviser's bill duly enacted by the Legislature. See s.
69 11.242(5)(b) and (i).

70
71 Section 4. Subsection (11) of section 166.411, Florida
72 Statutes, is repealed.

73
74 Reviser's note.--The cited subsection, which relates
75 to use of the eminent domain power to obtain lands to
76 be conveyed by a municipality to the county school
77 board, was repealed pursuant to s. 2, ch. 2001-77,
78 Laws of Florida, effective January 1, 2004. Since the
79 subsection was not repealed by a "current session" of
80 the Legislature, it may be omitted from the 2005
81 Florida Statutes only through a reviser's bill duly
82 enacted by the Legislature. See s. 11.242(5)(b) and
83 (i).

84
85 Section 5. Section 196.1994, Florida Statutes, is
86 repealed.

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88 Reviser's note.--The cited section, which relates to a
 89 property tax exemption for space laboratories and
 90 carriers, expired pursuant to its own terms, effective
 91 July 1, 2004.

92
 93 Section 6. Subsection (7) of section 202.27, Florida
 94 Statutes, is repealed.

95
 96 Reviser's note.--The cited subsection, which relates
 97 to material error in reporting of local communications
 98 services taxes, was repealed pursuant to s. 6, ch.
 99 2003-254, Laws of Florida, effective June 30, 2004.
 100 Since the subsection was not repealed by a "current
 101 session" of the Legislature, it may be omitted from
 102 the 2005 Florida Statutes only through a reviser's
 103 bill duly enacted by the Legislature. See s.
 104 11.242(5)(b) and (i).

105
 106 Section 7. Subsection (2) of section 213.131, Florida
 107 Statutes, is repealed.

108
 109 Reviser's note.--The cited subsection, which relates
 110 to termination of the Department of Revenue Clerks of
 111 the Court Trust Fund, was repealed by s. 2, ch. 2003-
 112 243, Laws of Florida, effective November 4, 2004.
 113 Since the subsection was not repealed by a "current
 114 session" of the Legislature, it may be omitted from
 115 the 2005 Florida Statutes only through a reviser's
 116 bill duly enacted by the Legislature. See s.

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117 11.242(5)(b) and (i).

118

119 Section 8. Subsection (17) of section 216.181, Florida
120 Statutes, is repealed.

121

122 Reviser's note.--The cited subsection, which relates
123 to positions and associated budget transfers by the
124 Department of Law Enforcement for the 2003-2004 fiscal
125 year only, expired pursuant to its own terms,
126 effective July 1, 2004.

127

128 Section 9. Paragraph (f) of subsection (5) of section
129 216.292, Florida Statutes, is repealed.

130

131 Reviser's note.--The cited paragraph, which relates to
132 authorization for the Governor to approve the
133 initiation of certain fixed capital outlay projects
134 within the Department of Corrections for specified
135 purposes, expired pursuant to its own terms, effective
136 March 8, 2004.

137

138 Section 10. Subparagraph 2. of paragraph (h) of subsection
139 (1) of section 220.191, Florida Statutes, as reenacted by
140 section 17 of chapter 2004-5, Laws of Florida, is repealed.

141

142 Reviser's note.--The cited subparagraph, which relates
143 to certain new financial facilities qualifying as
144 "qualifying projects" for purposes of the capital
145 investment tax credit, expired pursuant to its own

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146 terms, effective June 30, 2004.

147
 148 Section 11. Paragraphs (b) and (c) of subsection (1) of
 149 section 252.373, Florida Statutes, as amended by section 4 of
 150 chapter 2004-235, Laws of Florida, and section 48 of chapter
 151 2004-269, Laws of Florida, are repealed.

152
 153 Reviser's note.--The cited paragraphs, which relate to
 154 use of the Emergency Management, Preparedness, and
 155 Assistance Trust Fund for fiscal year 2003-2004 only,
 156 and a review and transfer of funds within that trust
 157 fund, expired pursuant to their own terms, effective
 158 July 1, 2004.

159
 160 Section 12. Subsection (21) of section 259.105, Florida
 161 Statutes, is repealed.

162
 163 Reviser's note.--The cited subsection, which relates
 164 to distribution of funds to water management districts
 165 for specified purposes for the 2003-2004 fiscal year
 166 only, expired pursuant to its own terms, effective
 167 July 1, 2004.

168
 169 Section 13. Section 288.9511, Florida Statutes, as amended
 170 by section 23 of chapter 2004-357, Laws of Florida, and sections
 171 288.9515 and 288.9517, Florida Statutes, are repealed.

172
 173 Reviser's note.--The cited sections, which relate to
 174 technology development programs, were repealed by s.

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175 80, ch. 2003-399, Laws of Florida, effective July 1,
 176 2004. Since the sections were not repealed by a
 177 "current session" of the Legislature, they may be
 178 omitted from the 2005 Florida Statutes only through a
 179 reviser's bill duly enacted by the Legislature. See s.
 180 11.242(5)(b) and (i).

181
 182 Section 14. Subsection (4) of section 339.08, Florida
 183 Statutes, as amended by section 8 of chapter 2004-366, Laws of
 184 Florida, is repealed.

185
 186 Reviser's note.--The cited subsection, which transfers
 187 specified funds from the State Transportation Trust
 188 Fund to the General Revenue Fund for the 2003-2004
 189 fiscal year only, expired pursuant to its own terms,
 190 effective July 1, 2004.

191
 192 Section 15. Subsection (3) of section 339.082, Florida
 193 Statutes, is repealed.

194
 195 Reviser's note.--The cited subsection, which relates
 196 to termination of the Federal Law Enforcement Trust
 197 Fund within the Department of Transportation, was
 198 repealed by s. 2, ch. 2002-136, Laws of Florida,
 199 effective May 25, 2004. Since the subsection was not
 200 repealed by a "current session" of the Legislature, it
 201 may be omitted from the 2005 Florida Statutes only
 202 through a reviser's bill duly enacted by the
 203 Legislature. See s. 11.242(5)(b) and (i).

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Section 16. Subsection (3) of section 372.127, Florida Statutes, is repealed.

Reviser's note.--The cited subsection, which relates to termination of the Conservation and Recreation Lands Program Trust Fund of the Fish and Wildlife Conservation Commission, was repealed by s. 2, ch. 2001-34, Laws of Florida, effective July 1, 2004. Since the subsection was not repealed by a "current session" of the Legislature, it may be omitted from the 2005 Florida Statutes only through a reviser's bill duly enacted by the Legislature. See s. 11.242(5)(b) and (i).

Section 17. Subsection (9) of section 372.561, Florida Statutes, is repealed.

Reviser's note.--The cited subsection, which relates to implementation of fees for hunting and fishing licenses and permits, expired pursuant to its own terms, effective July 1, 2004.

Section 18. Subsection (6) of section 376.875, Florida Statutes, is repealed.

Reviser's note.--The cited subsection, which relates to use of moneys in the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund for the

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233 2003-2004 fiscal year only, expired pursuant to its
 234 own terms, effective July 1, 2004.

235
 236 Section 19. Subsection (7) of section 381.79, Florida
 237 Statutes, is repealed.

238
 239 Reviser's note.--The cited subsection, which relates
 240 to disbursement of specified appropriated funds for
 241 brain and spinal cord injury research for the 2003-
 242 2004 fiscal year only, expired pursuant to its own
 243 terms, effective July 1, 2004.

244
 245 Section 20. Section 456.0375, Florida Statutes, is
 246 repealed.

247
 248 Reviser's note.--The cited section, which relates to
 249 registration of certain clinics, was repealed by s.
 250 15, ch. 2003-411, Laws of Florida, effective March 1,
 251 2004. Since the section was not repealed by a "current
 252 session" of the Legislature, it may be omitted from
 253 the 2005 Florida Statutes only through a reviser's
 254 bill duly enacted by the Legislature. See s.
 255 11.242(5)(b) and (i).

256
 257 Section 21. Paragraph (f) of subsection (3) of section
 258 601.15, Florida Statutes, is repealed.

259
 260 Reviser's note.--The cited paragraph, which relates to
 261 reduction of citrus excise tax rates for the 2003-2004

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262 fiscal year only, expired pursuant to its own terms,
 263 effective July 1, 2004.

264
 265 Section 22. Subsection (3) of section 723.06115, Florida
 266 Statutes, is repealed.

267
 268 Reviser's note.--The cited subsection, which relates
 269 to termination of the Florida Mobile Home Relocation
 270 Trust Fund, was repealed by s. 2, ch. 2003-249, Laws
 271 of Florida, effective November 4, 2004. Since the
 272 subsection was not repealed by a "current session" of
 273 the Legislature, it may be omitted from the 2005
 274 Florida Statutes only through a reviser's bill duly
 275 enacted by the Legislature. See s. 11.242(5)(b) and
 276 (i).

277
 278 Section 23. Paragraph (d) of subsection (5) of section
 279 932.7055, Florida Statutes, as amended by section 3 of chapter
 280 2004-39, Laws of Florida, is repealed.

281
 282 Reviser's note.--The cited paragraph, which relates to
 283 expenditure of funds in a special law enforcement
 284 trust fund established by the governing body of a
 285 municipality for the 2003-2004 fiscal year only,
 286 expired pursuant to its own terms, effective July 1,
 287 2004.

288
 289 Section 24. Subsection (2) of section 985.4075, Florida
 290 Statutes, is repealed.

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Reviser's note.--The cited subsection, which relates to a prohibition on use of operations appropriations for one-time startup funding for fixed capital outlay for juvenile justice programs, expired pursuant to its own terms, effective July 1, 2004.

Section 25. Section 1004.225, Florida Statutes, is repealed.

Reviser's note.--The cited section, which consists of the Florida Technology Development Act, expired pursuant to its own terms, effective July 1, 2004.

Section 26. Subsection (3) of section 1010.87, Florida Statutes, is repealed.

Reviser's note.--The cited subsection, which relates to termination of the Workers' Compensation Administration Trust Fund within the Department of Education, was repealed by s. 2, ch. 2003-208, Laws of Florida, effective November 4, 2004. Since the subsection was not repealed by a "current session" of the Legislature, it may be omitted from the 2005 Florida Statutes only through a reviser's bill duly enacted by the Legislature. See s. 11.242(5)(b) and (i).

Section 27. Section 378.035, Florida Statutes, as amended

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320 by section 4 of chapter 2003-423, Laws of Florida, is amended to
 321 read:

322 378.035 Department responsibilities and duties with
 323 respect to Nonmandatory Land Reclamation Trust Fund.--

324 (1) The department shall administer the Nonmandatory Land
 325 Reclamation Trust Fund.

326 (2)(a) The department shall verify that reclamation
 327 activities or portions thereof have been accomplished in
 328 accordance with the reclamation contract and shall certify the
 329 cost of such reclamation activities to the Chief Financial
 330 Officer for reimbursement.

331 (b) Beginning in 1985, the department shall determine the
 332 maximum dollar amount a landowner may be reimbursed per
 333 reclaimed acre under an approved reclamation program.

334 (c) Nothing in this act precludes a landowner from
 335 performing the reclamation pursuant to the approved reclamation
 336 program, provided the landowner complies with the provisions of
 337 this act.

338 (3) If an applicant who has signed a reclamation contract
 339 abandons the reclamation program prior to substantial completion
 340 of the program, the department may spend the remaining balance
 341 of funds not expended under the contract to complete the
 342 program.

343 (a) The contract amount and any amounts spent by the
 344 department in excess of the remaining balance of the funds under
 345 the contract become a lien upon the property, enforceable
 346 pursuant to chapter 85. The moneys received as a result of a
 347 lien foreclosure or as repayment shall be deposited into the
 348 trust fund.

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349 (b) If the land acquired pursuant to the lien foreclosure
 350 has recreational or wildlife value, the department may retain
 351 ownership as with other property acquired pursuant to s.
 352 378.036. If the department sells the property, the department
 353 shall deposit the proceeds of the sale into the trust fund.

354 (4) Interest on moneys deposited in the Nonmandatory Land
 355 Reclamation Trust Fund shall accrue to that fund.

356 (5) Funds within the Nonmandatory Land Reclamation Trust
 357 Fund are also authorized for use by the department for the
 358 following purposes:

359 (a) To reclaim lands disturbed by the severance of
 360 phosphate rock on or after July 1, 1975, in the event that a
 361 mining company ceases mining and the associated reclamation
 362 prior to all lands disturbed by the operation being reclaimed.
 363 Moneys expended by the department to accomplish reclamation
 364 pursuant to this subsection shall become a lien upon the
 365 property enforceable pursuant to chapter 85. The moneys received
 366 as a result of a lien foreclosure or as repayment shall be
 367 deposited into the trust fund. In the event the money received
 368 as a result of lien foreclosure or repayment is less than the
 369 amount expended for reclamation, the department shall use all
 370 means available to recover, for the use of the fund, the
 371 difference from the affected parties. Paragraph (3)(b) shall
 372 apply to lands acquired as a result of a lien foreclosure.

373 (b) For the abatement of an imminent hazard as provided by
 374 s. 403.4154(4) and for the purpose of closing an abandoned
 375 phosphogypsum stack system and carrying out postclosure care as
 376 provided by s. 403.4154(6).

377 (c) For the purpose of funding basic management or

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378 protection of reclaimed, restored, or preserved phosphate lands:

379 1. Which have wildlife habitat value as determined by the
380 Bureau of Mine Reclamation;

381 2. Which have been transferred by the landowner to a
382 public agency or a private, nonprofit land conservation and
383 management entity in fee simple, or which have been made subject
384 to a conservation easement pursuant to s. 704.06; and

385 3. For which other management funding options are not
386 available.

387
388 These funds may, after the basic management or protection has
389 been assured for all such lands, be combined with other
390 available funds to provide a higher level of management for such
391 lands.

392 (d) For the sole purpose of funding the department's
393 implementation of:

394 1. The NPDES permitting program authorized by s. 403.0885,
395 as it applies to phosphate mining and beneficiation facilities,
396 phosphate fertilizer production facilities, and phosphate
397 loading and handling facilities;

398 2. The regulation of dams in accordance with department
399 rule 62-672, Florida Administrative Code; and

400 3. The phosphogypsum management program pursuant to s.
401 403.4154 and department rule 62-673, Florida Administrative
402 Code.

403 (6) Should the nonmandatory land reclamation program
404 encumber all the funds in the Nonmandatory Land Reclamation
405 Trust Fund except those reserved by subsection (5) prior to
406 funding all the reclamation applications for eligible parcels,

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407 the funds reserved by subsection (5) shall be available to the
 408 program to the extent required to complete the reclamation of
 409 all eligible parcels for which the department has received
 410 applications.

411 (7) The department may not accept any applications for
 412 nonmandatory land reclamation programs after January 1, 2005.

413 (8) The Bureau of Mine Reclamation shall review the
 414 sufficiency of the Nonmandatory Land Reclamation Trust Fund to
 415 support the stated objectives and report to the secretary
 416 annually with recommendations as appropriate.

417 ~~(9) For the 2003-2004 fiscal year only, notwithstanding~~
 418 ~~the provisions of subsections (5) and (6), the department is~~
 419 ~~authorized to expend the moneys appropriated in the General~~
 420 ~~Appropriations Act for the abatement of imminent hazards caused~~
 421 ~~by, and for the closure of, abandoned phosphogypsum stack~~
 422 ~~systems as provided in subsections (3) and (5) of s. 403.4154,~~
 423 ~~respectively. This subsection expires July 1, 2004.~~

424
 425 ~~For the 2003-2004 fiscal year the department may not approve or~~
 426 ~~encumber nonmandatory reclamation projects in amounts greater~~
 427 ~~than \$15 million.~~

428
 429 Reviser's note.--Subsection (9), which relates to
 430 authorization of the Department of Environmental
 431 Protection to expend appropriated moneys for the
 432 abatement of imminent hazards caused by, and for the
 433 closure of, abandoned phosphogypsum stack systems for
 434 the 2003-2004 fiscal year only, expired pursuant to
 435 its own terms, effective July 1, 2004. The flush left

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436 paragraph at the end of s. 378.035 is repealed to
 437 conform to the fact that it prohibits approval of
 438 specified moneys for the 2003-2004 fiscal year only.

439
 440 Section 28. Section 383.410, Florida Statutes, is
 441 repealed.

442
 443 Reviser's note.--The cited section, which relates to
 444 confidential information obtained by the State Child
 445 Abuse Death Review Committee, or specified related
 446 committees or panels, is repealed to confirm the
 447 October 2, 2004, repeal of an exemption in accordance
 448 with s. 119.15, the Open Government Sunset Review Act
 449 of 1995.

450
 451 Section 29. Subsection (3) of section 202.35, Florida
 452 Statutes, is amended to read:

453 202.35 Powers of department in dealing with delinquents;
 454 tax to be separately stated.--

455 (3) If a dealer or other person fails or refuses to make
 456 his or her records available for inspection so that an audit or
 457 examination of his or her books and records cannot be made,
 458 fails or refuses to register as a dealer, fails to make a report
 459 and pay the tax as provided by this chapter, makes a grossly
 460 incorrect report, or makes a report that is false or fraudulent,
 461 the department shall make an assessment from an estimate based
 462 upon the best information then available to it for the taxable
 463 period of retail sales of the dealer, together with any accrued
 464 interest and penalties. The department shall then proceed to

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465 collect the taxes, interest, and penalties on the basis of such
 466 assessment, which shall be considered prima facie correct; and
 467 the burden to show the contrary rests upon the dealer or other
 468 person. If the dealer fails to respond to a contact made
 469 pursuant to s. 202.27(6) ~~or a notice issued pursuant to s.~~
 470 ~~202.27(7)~~, or if a dealer's records are determined to be
 471 inadequate for purposes of determining whether the dealer
 472 properly allocated tax to and between local governments, the
 473 department may determine the proper allocation or reallocation
 474 based upon the best information available to the department and
 475 shall seek the agreement of the affected local governments.
 476

477 Reviser's note.--Amended to conform to the repeal of
 478 s. 202.27(7) by this act to confirm the repeal of the
 479 subsection by s. 6, ch. 2003-254, Laws of Florida,
 480 effective June 30, 2004.
 481

482 Section 30. Paragraph (a) of subsection (1) of section
 483 627.732, Florida Statutes, is amended to read:

484 627.732 Definitions.--As used in ss. 627.730-627.7405, the
 485 term:

486 (1) "Broker" means any person not possessing a license
 487 under chapter 395, chapter 400, chapter 458, chapter 459,
 488 chapter 460, chapter 461, or chapter 641 who charges or receives
 489 compensation for any use of medical equipment and is not the
 490 100-percent owner or the 100-percent lessee of such equipment.
 491 For purposes of this section, such owner or lessee may be an
 492 individual, a corporation, a partnership, or any other entity
 493 and any of its 100-percent-owned affiliates and subsidiaries.

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494 For purposes of this subsection, the term "lessee" means a long-
 495 term lessee under a capital or operating lease, but does not
 496 include a part-time lessee. The term "broker" does not include a
 497 hospital or physician management company whose medical equipment
 498 is ancillary to the practices managed, a debt collection agency,
 499 or an entity that has contracted with the insurer to obtain a
 500 discounted rate for such services; nor does the term include a
 501 management company that has contracted to provide general
 502 management services for a licensed physician or health care
 503 facility and whose compensation is not materially affected by
 504 the usage or frequency of usage of medical equipment or an
 505 entity that is 100-percent owned by one or more hospitals or
 506 physicians. The term "broker" does not include a person or
 507 entity that certifies, upon request of an insurer, that:

508 (a) It is a clinic ~~registered under s. 456.0375 or~~
 509 licensed under ss. 400.990-400.995;

510
 511 Reviser's note.--Amended to conform to the repeal of
 512 s. 456.0375 by this act to confirm the repeal of s.
 513 456.0375 by s. 15, ch. 2003-411, Laws of Florida,
 514 effective March 1, 2004.

515
 516 Section 31. This act shall take effect on the 60th day
 517 after adjournment sine die of the session of the Legislature in
 518 which enacted.