

Senate Bill No. 582

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101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, and 101.56, Florida Statutes, are repealed.

Reviser's note.—The cited sections, which relate to ballots and voting machines, were expressly repealed by s. 33, ch. 2001-40, Laws of Florida, effective September 2, 2002. Since the sections were not repealed by a “current session” of the Legislature, they may be omitted from the Florida Statutes 2003 only through a reviser's bill duly enacted by the Legislature.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).

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 Sections 110.207 and 110.209, Florida Statutes, are repealed.

Reviser's note.—The cited sections, which relate to the classification and pay plans for career service positions, were expressly repealed by s. 16, ch. 2001-43, Laws of Florida. Since the sections were not repealed by a “current session” of the Legislature, they may be omitted from the Florida Statutes 2003 only through a reviser's bill duly enacted by the Legislature.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).

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 Subsection (2) of section 206.9825, Florida Statutes, is repealed and subsection (1) of that section is reenacted to read:

206.9825 Aviation fuel tax.—

(1)(a) Except as otherwise provided in this part, an excise tax of 6.9 cents per gallon of aviation fuel is imposed upon every gallon of aviation fuel sold in this state, or brought into this state for use, upon which such tax has not been paid or the payment thereof has not been lawfully assumed by some

person handling the same in this state. Fuel taxed pursuant to this part shall not be subject to the taxes imposed by ss. 206.41(1)(d), (e), and (f) and 206.87(1)(b), (c), and (d).

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

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

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

Reviser's note.—Subsection (1) is reenacted to confirm the continued existence of paragraphs (b)-(d) of that subsection. Paragraph (1)(b) expired pursuant to its own terms effective July 1, 2001; it was included in s. 5, ch. 2002-2, Laws of Florida, a reviser's bill, to confirm that expiration. Paragraphs (1)(c) and (d), which were tied to paragraph (1)(b), were also repealed by s. 5, ch. 2002-2, to conform to the expiration of paragraph (1)(b). Section 10, ch. 2002-218, Laws of Florida, reenacted and amended paragraph (1)(b), indicating a substantive intent to continue the paragraph. In view of the substantive reenactment and amendment, subsection (1) is reenacted, including paragraphs (b)-(d), to conform to the intent of s. 10, ch. 2002-218. Subsection (2), which relates to air carriers making a specified election, expired pursuant to its own terms effective July 1, 2000; that repeal was confirmed by s. 5, ch. 2002-2. However, the reenactment and amendment of paragraph (1)(b) by s. 10, ch. 2002-218, raised an issue as to legislative intent regarding subsection (2), which relates to paragraph (1)(b). Legislative confirmation of the intent to repeal subsection (2) is needed in light of any possible effect or intent by s. 10, ch. 2002-218.

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

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

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

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

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

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

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

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

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

324.201 Return of license or registration to department.—

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

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

Reviser's note.—Amended 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.

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

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

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

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

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

Reviser's note.—The cited subsection, which provides for the termination of the Federal Law Enforcement Trust Fund within the Fish and Wildlife Conservation Commission pursuant to s. 19(f)(2), Art. III of the State Constitution, effective July 1, 2002, was repealed by s. 2, ch. 2001-33, Laws of Florida, effective July 1, 2002. Since the subsection was not repealed by a "current session" of the Legislature, it 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).

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

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

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

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

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).

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.

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

627.733 Required security.—

(7) Any operator or owner whose driver's license or registration has been suspended pursuant to this section or s. 316.646 may effect its reinstatement upon compliance with the requirements of this section and upon payment to the Department of Highway Safety and Motor Vehicles of a nonrefundable reinstatement fee of \$150 for the first reinstatement. Such reinstatement fee shall be \$250 for the second reinstatement and \$500 for each subsequent reinstatement during the 3 years following the first reinstatement. Any person reinstating her or his insurance under this subsection must also secure noncancelable coverage as described in s. 627.7275(2) and present to the appropriate person proof that the coverage is in force on a form promulgated by the Department of Highway Safety and Motor Vehicles, such proof to be maintained for 2 years. If the person does not have a

second reinstatement within 3 years after her or his initial reinstatement, the reinstatement fee shall be \$150 for the first reinstatement after that 3-year period. In the event that a person's license and registration are suspended pursuant to this section or s. 316.646, only one reinstatement fee shall be paid to reinstate the license and the registration. All fees shall be collected by the Department of Highway Safety and Motor Vehicles at the time of reinstatement. The Department of Highway Safety and Motor Vehicles shall issue proper receipts for such fees and shall promptly deposit those fees in the Highway Safety Operating Trust Fund. One-third of the fee collected under this subsection shall be distributed from the Highway Safety Operating Trust Fund to the local government entity or state agency which employed the law enforcement officer ~~or the recovery agent~~ who seizes a license plate pursuant to s. 324.201 ~~or to s. 324.202~~. Such funds may be used by the local government entity or state agency for any authorized purpose.

Reviser's note.—Amended 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.

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

Reviser's note.—The cited subsection, which relates to facsimile transmission of service of notices or copies thereof relating to certain liens, was repealed by s. 12, ch. 2001-211, Laws of Florida, effective July 1, 2002. Since the subsection was not repealed by a "current session" of the Legislature, it 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).

Section 21. Section 985.422, Florida Statutes, is repealed.

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

Approved by the Governor April 1, 2003.

Filed in Office Secretary of State April 1, 2003.