

House Bill No. 7069

An act relating to the Florida Statutes; repealing ss. 16.555(3)(b), 212.08(5)(p), 216.181(17), 220.03(1)(x), 265.702(7)(b), 287.057(5)(f)14., 311.07(3)(b)11., 375.045(5), 381.79(3)(b), 386.206(1) and (5), 394.908(8), 403.08725(9)(b), 409.913(8)(g), 468.404(1)(b), 470.001, 470.002, 470.003, 470.005, 470.019, 470.023, 470.027, 470.028, 470.031, 470.033, 470.034, 470.035, 470.036, 497.105, 497.109, 497.111, 497.113, 497.115, 497.117, 497.119, 497.123, 497.125, 497.127, 497.129, 497.131, 497.135, 497.137, 497.209, 497.217, 497.221, 497.225, 497.233, 497.301, 497.341, 497.431, 497.435, 497.443, 497.445, 497.447, 497.515, 497.517, 497.519, 497.529, 559.904(12), 561.121(4)(b), 624.91(3)(c), and 957.03, 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 2006 Florida Statutes only through a reviser's bill duly enacted by the Legislature; amending ss. 287.042, 943.053, and 943.325, F.S., to conform to the repeal of s. 957.03, F.S.; and repealing s. 957.04(8), F.S., to conform to the repeal of s. 957.03, F.S.

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

Section 1. Paragraph (b) of subsection (3) of section 16.555, Florida Statutes, is repealed.

Reviser's note.—The cited paragraph, which relates to use of moneys in the Crime Stoppers Trust Fund for department expenses for the 2004-2005 fiscal year only, expired pursuant to its own terms, effective July 1, 2005.

Section 2. Paragraph (p) of subsection (5) of section 212.08, Florida Statutes, is repealed.

Reviser's note.—The cited paragraph, which relates to a sales tax exemption for certain equipment used to deploy broadband technologies, was repealed pursuant to its own terms, effective June 30, 2005.

Section 3. Subsection (17) of section 216.181, Florida Statutes, is repealed.

Reviser's note.—The cited subsection, which authorizes the Agency for Health Care Administration to submit a specified budget amendment in order to implement Specific Appropriation 216 of the 2004-2005 General Appropriations Act upon the happening of a certain event, expired pursuant to its own terms, effective July 1, 2005.

Section 4. Paragraph (x) of subsection (1) of section 220.03, Florida Statutes, is repealed.

Reviser's note.—The cited paragraph, which defines "Secretary" as the secretary of the Department of Commerce, which department no longer exists, expired pursuant to its own terms, effective June 30, 2005.

Section 5. Paragraph (b) of subsection (7) of section 265.702, Florida Statutes, is repealed.

Reviser's note.—The cited paragraph, which relates to a limit on the amount of a grant for regional cultural facilities for the 2004-2005 fiscal year only, expired pursuant to its own terms, effective July 1, 2005.

Section 6. Subparagraph 14. of paragraph (f) of subsection (5) of section 287.057, Florida Statutes, is repealed.

Reviser's note.—The cited subparagraph, which provides that specified voter education activities of the Department of State are not subject to competitive-solicitation requirements under s. 287.057, expired pursuant to its own terms, effective July 1, 2005.

Section 7. Subparagraph 11. of paragraph (b) of subsection (3) of section 311.07, Florida Statutes, is repealed.

Reviser's note.—The cited subparagraph, which lists seaport security measures among projects eligible for funding under the Florida Seaport Transportation and Economic Development Program, expired pursuant to its own terms, effective June 30, 2005.

Section 8. Subsection (5) of section 375.045, Florida Statutes, is repealed.

Reviser's note.—The cited subsection, which authorizes the use of certain unobligated moneys from the Florida Preservation 2000 Trust Fund for appropriation to the Florida Forever Trust Fund for use pursuant to s. 259.1051 for the 2004-2005 fiscal year only, expired pursuant to its own terms, effective July 1, 2005.

Section 9. Paragraph (b) of subsection (3) of section 381.79, Florida Statutes, is repealed.

Reviser's note.—The cited paragraph, which authorizes appropriation of certain revenues from the Brain and Spinal Cord Injury Program Trust Fund for spinal cord injury and brain injury research at the University of Miami for the 2004-2005 fiscal year only, expired pursuant to its own terms, effective July 1, 2005.

Section 10. Subsections (1) and (5) of section 386.206, Florida Statutes, are repealed.

Reviser's note.—Subsection (1), which relates to signage requirements relating to the smoking ban in enclosed indoor workplaces, expired pursuant to subsection (5) of s. 386.206, effective July 1, 2005.

Section 11. Subsection (8) of section 394.908, Florida Statutes, is repealed.

Reviser's note.—The cited subsection, which relates to allocation of specified funds relating to substance abuse and mental health services for the 2004-2005 fiscal year only, expired pursuant to its own terms, effective July 1, 2005.

Section 12. Paragraph (b) of subsection (9) of section 403.08725, Florida Statutes, is repealed.

Reviser's note.—The cited paragraph, which provides, for the 2004-2005 fiscal year only, for inapplicability of certain construction requirements if the United States Environmental Protection Agency fails to approve certain revisions to the state implementation plan within 4 years after submittal, expired pursuant to its own terms, effective July 1, 2005.

Section 13. Paragraph (g) of subsection (8) of section 409.913, Florida Statutes, is repealed.

Reviser's note.—The cited paragraph, which provides an exemption from specified requirements for Medicaid reimbursement where notifying a pharmacy at the point of sale that a prescription will be approved is not practical, expired pursuant to its own terms, effective July 1, 2005.

Section 14. Paragraph (b) of subsection (1) of section 468.404, Florida Statutes, is repealed.

Reviser's note.—The cited paragraph, which relates to the assessment level for talent agency license fees for the 2004-2005 fiscal year only, expired pursuant to its own terms, effective July 1, 2005.

Section 15. Sections 470.001, 470.002, 470.003, 470.005, 470.019, 470.023, 470.027, 470.028, 470.031, 470.033, 470.034, 470.035, 470.036, 497.105, 497.109, 497.111, 497.113, 497.115, 497.117, 497.119, 497.123, 497.125, 497.127, 497.129, 497.131, 497.135, 497.137, 497.209, 497.217, 497.221, 497.225, 497.233, 497.301, 497.341, 497.431, 497.435, 497.443, 497.445, 497.447, 497.515, 497.517, 497.519, and 497.529, Florida Statutes, are repealed.

Reviser's note.—The cited sections, which relate to the funeral and cemetery industry, were repealed by s. 157, ch. 2004-301, Laws of Florida, effective October 1, 2005. Since the sections were not repealed by a "current session" of the Legislature, they may be omitted from the 2006 Florida Statutes only through a reviser's bill duly enacted by the Legislature. See s. 11.242(5)(b) and (i).

Section 16. Subsection (12) of section 559.904, Florida Statutes, is repealed.

Reviser's note.—The cited subsection, which provides for rulemaking authority to stagger motor vehicle repair shop registrations over a 2-year period in order to implement biennial registration requirements, expired pursuant to its own terms, effective June 30, 2005.

Section 17. Paragraph (b) of subsection (4) of section 561.121, Florida Statutes, is repealed.

Reviser's note.—The cited paragraph, which authorizes use of moneys in the Children and Adolescents Substance Abuse Trust Fund to fund programs directed at reducing and eliminating substance abuse problems

among adults for the 2004-2005 fiscal year only, expired pursuant to its own terms, effective July 1, 2005.

Section 18. Paragraph (c) of subsection (3) of section 624.91, Florida Statutes, is repealed.

Reviser's note.—The cited paragraph, which relates to eligibility for Healthy Kids benefits of individuals who attained the age of 19 as of March 31, 2004, was repealed pursuant to its own terms, effective March 31, 2005.

Section 19. Section 957.03, Florida Statutes, is repealed.

Reviser's note.—The cited section, which relates to the Correctional Privatization Commission, was repealed by s. 12, ch. 2004-248, Laws of Florida, effective July 1, 2005. Since the section was not repealed by a "current session" of the Legislature, it may be omitted from the 2006 Florida Statutes only through a reviser's bill duly enacted by the Legislature. See s. 11.242(5)(b) and (i).

Section 20. Paragraph (a) of subsection (17) of section 287.042, Florida Statutes, is amended to read:

287.042 Powers, duties, and functions.—The department shall have the following powers, duties, and functions:

(17)(a) To enter into contracts pursuant to chapter 957, ~~and to acquire the contractual rights and assume the contractual obligations of the Correctional Privatization Commission in contracts previously entered into pursuant to chapter 957,~~ for the designing, financing, acquiring, leasing, constructing, or operating of private correctional facilities. The department shall enter into a contract or contracts with one contractor per facility for the designing, acquiring, financing, leasing, constructing, and operating of that facility or may, if specifically authorized by the Legislature, separately contract for any such services.

The department may not delegate the responsibilities conferred by this subsection.

Reviser's note.—Amended to conform to the repeal of s. 957.03, which created the Correctional Privatization Commission, effective July 1, 2005, by s. 12, ch. 2004-248, Laws of Florida; that repeal is confirmed by this act. The Department of Management Services has assumed responsibility for contracts under chapter 957 pursuant to ss. 287.042(17) and 957.04, and the deleted material in the amendment to s. 287.042(17)(a) has served its purpose.

Section 21. Subsection (8) of section 943.053, Florida Statutes, is amended to read:

943.053 Dissemination of criminal justice information; fees.—

(8) Notwithstanding the provisions of s. 943.0525, and any user agreements adopted pursuant thereto, and notwithstanding the confidentiality of

sealed records as provided for in s. 943.059, the Department of Corrections shall provide, in a timely manner, copies of the Florida criminal history records for inmates housed in a private state correctional facility to the private entity under contract to operate the facility pursuant to the provisions of s. 944.105 ~~or s. 957.03~~. The department may assess a charge for the Florida criminal history records pursuant to the provisions of chapter 119. Sealed records received by the private entity under this section remain confidential and exempt from the provisions of s. 119.07(1).

Reviser's note.—Amended to delete a reference to s. 957.03, which was repealed by s. 12, ch. 2004-248, Laws of Florida; the repeal of s. 957.03 is confirmed by this act.

Section 22. Paragraph (c) of subsection (1) of section 943.325, Florida Statutes, is amended to read:

943.325 Blood or other biological specimen testing for DNA analysis.—

(1)

(c) As used in this section, the term “any person” includes both juveniles and adults committed to a county jail or committed to or under the supervision of the Department of Corrections or the Department of Juvenile Justice, including persons incarcerated in a private correctional institution operated under contract pursuant to s. 944.105 ~~or s. 957.03~~.

Reviser's note.—Amended to delete a reference to s. 957.03, which was repealed by s. 12, ch. 2004-248, Laws of Florida; the repeal of s. 957.03 is confirmed by this act.

Section 23. Subsection (8) of section 957.04, Florida Statutes, is repealed.

Reviser's note.—The cited subsection, which provides that the Department of Management Services is the successor agency for the Correctional Privatization Commission for contracts entered into pursuant to chapter 957 that are in effect on July 1, 2004, has served its purpose. Section 957.03, which created the Correctional Privatization Commission, was repealed effective July 1, 2005, by s. 12, ch. 2004-248, Laws of Florida; that repeal is confirmed by this act. The remaining material in s. 957.04 provides for the Department of Management Services to be responsible for duties formerly carried out by the Correctional Privatization Commission.

Section 24. This act shall take effect on the 60th day after adjournment sine die of the session of the Legislature in which enacted.

Approved by the Governor March 30, 2006.

Filed in Office Secretary of State March 30, 2006.