

1  
2 An act relating to the Florida Statutes;  
3 repealing ss. 20.19(5)(b)2., 20.3315(3),  
4 27.005, 27.006, 27.271, 27.33, 27.3455, 27.36,  
5 27.385, 27.605, 29.002, 29.003, 29.009, 29.011,  
6 43.28, 50.071, 57.091, 166.411(11), 196.1994,  
7 202.27(7), 213.131(2), 216.181(17),  
8 216.292(5)(f), 218.325, 220.191(1)(h)2.,  
9 252.373(1)(b) and (c), 259.105(21), 288.9511,  
10 288.9515, 288.9517, 339.08(4), 339.082(3),  
11 372.127(3), 372.561(9), 376.875(6), 381.79(7),  
12 456.0375, 601.15(3)(f), 723.06115(3), 914.06,  
13 925.035, 925.036, 925.037, 932.7055(5)(d),  
14 939.05, 939.07, 939.10, 939.15, 985.4075(2),  
15 1004.225, and 1010.87(3), F.S., all of which  
16 provisions have become inoperative by  
17 noncurrent repeal or expiration and, pursuant  
18 to s. 11.242(5)(b) and (i), may be omitted from  
19 the 2005 Florida Statutes only through a  
20 reviser's bill duly enacted by the Legislature;  
21 amending s. 378.035, F.S., to delete obsolete  
22 material and repeal a provision that has become  
23 inoperative by noncurrent expiration and,  
24 pursuant to s. 11.242(5)(b) and (i), may be  
25 omitted from the 2005 Florida Statutes only  
26 through a reviser's bill duly enacted by the  
27 Legislature; repealing s. 383.410, F.S., to  
28 confirm the October 2, 2004, repeal of an  
29 exemption in accordance with the Open  
30 Government Sunset Review Act of 1995; amending  
31 s. 202.35(3), F.S., to conform to the repeal of

1 s. 202.27(7), F.S.; and amending s.  
2 627.732(1)(a), F.S., to conform to the repeal  
3 of s. 456.0375, F.S.  
4

5 Be It Enacted by the Legislature of the State of Florida:  
6

7 Section 1. Subparagraph 2. of paragraph (b) of  
8 subsection (5) of section 20.19, Florida Statutes, as amended  
9 by section 12 of chapter 2004-269, Laws of Florida, is  
10 repealed.  
11

12 Reviser's note.--The cited subparagraph, which  
13 relates to transfer authority for the 2003-2004  
14 fiscal year only, as to funds for service  
15 districts within the Department of Children and  
16 Family Services, expired pursuant to its own  
17 terms, effective July 1, 2004.  
18

19 Section 2. Subsection (3) of section 20.3315, Florida  
20 Statutes, is repealed.  
21

22 Reviser's note.--The cited subsection, which  
23 relates to termination of the Florida Forever  
24 Program Trust Fund of the Florida Fish and  
25 Wildlife Conservation Commission, was repealed  
26 pursuant to s. 2, ch. 2001-25, Laws of Florida,  
27 effective July 1, 2004. Since the subsection  
28 was not repealed by a "current session" of the  
29 Legislature, it may be omitted from the 2005  
30 Florida Statutes only through a reviser's bill  
31

1 |           duly enacted by the Legislature. See s.  
2 |           11.242(5)(b) and (i).

3 |  
4 |           Section 3. Sections 27.005, 27.006, 27.271, 27.33,  
5 | 27.3455, 27.36, 27.385, 27.605, 29.002, 29.003, 29.009,  
6 | 29.011, 43.28, 50.071, 57.091, 218.325, 914.06, 925.035,  
7 | 925.036, 925.037, 939.05, 939.07, 939.10, and 939.15, Florida  
8 | Statutes, are repealed.

9 |  
10 |           Reviser's note.--The cited sections, which  
11 | relate to the court system and related funding,  
12 | were repealed by s. 153, ch. 2003-402, Laws of  
13 | Florida, effective July 1, 2004. Since the  
14 | sections were not repealed by a "current  
15 | session" of the Legislature, they may be  
16 | omitted from the 2005 Florida Statutes only  
17 | through a reviser's bill duly enacted by the  
18 | Legislature. See s. 11.242(5)(b) and (i).

19 |  
20 |           Section 4. Subsection (11) of section 166.411, Florida  
21 | Statutes, is repealed.

22 |  
23 |           Reviser's note.--The cited subsection, which  
24 | relates to use of the eminent domain power to  
25 | obtain lands to be conveyed by a municipality  
26 | to the county school board, was repealed  
27 | pursuant to s. 2, ch. 2001-77, Laws of Florida,  
28 | effective January 1, 2004. Since the subsection  
29 | was not repealed by a "current session" of the  
30 | Legislature, it may be omitted from the 2005  
31 | Florida Statutes only through a reviser's bill

1 |           duly enacted by the Legislature. See s.  
2 |           11.242(5)(b) and (i).

3 |  
4 |           Section 5. Section 196.1994, Florida Statutes, is  
5 | repealed.

6 |  
7 |           Reviser's note.--The cited section, which  
8 |           relates to a property tax exemption for space  
9 |           laboratories and carriers, expired pursuant to  
10 |           its own terms, effective July 1, 2004.

11 |  
12 |           Section 6. Subsection (7) of section 202.27, Florida  
13 | Statutes, is repealed.

14 |  
15 |           Reviser's note.--The cited subsection, which  
16 |           relates to material error in reporting of local  
17 |           communications services taxes, was repealed  
18 |           pursuant to s. 6, ch. 2003-254, Laws of  
19 |           Florida, effective June 30, 2004. Since the  
20 |           subsection was not repealed by a "current  
21 |           session" of the Legislature, it may be omitted  
22 |           from the 2005 Florida Statutes only through a  
23 |           reviser's bill duly enacted by the Legislature.  
24 |           See s. 11.242(5)(b) and (i).

25 |  
26 |           Section 7. Subsection (2) of section 213.131, Florida  
27 | Statutes, is repealed.

28 |  
29 |           Reviser's note.--The cited subsection, which  
30 |           relates to termination of the Department of  
31 |           Revenue Clerks of the Court Trust Fund, was

1 repealed by s. 2, ch. 2003-243, Laws of  
2 Florida, effective November 4, 2004. Since the  
3 subsection was not repealed by a "current  
4 session" of the Legislature, it may be omitted  
5 from the 2005 Florida Statutes only through a  
6 reviser's bill duly enacted by the Legislature.  
7 See s. 11.242(5)(b) and (i).

8  
9 Section 8. Subsection (17) of section 216.181, Florida  
10 Statutes, is repealed.

11  
12 Reviser's note.--The cited subsection, which  
13 relates to positions and associated budget  
14 transfers by the Department of Law Enforcement  
15 for the 2003-2004 fiscal year only, expired  
16 pursuant to its own terms, effective July 1,  
17 2004.

18  
19 Section 9. Paragraph (f) of subsection (5) of section  
20 216.292, Florida Statutes, is repealed.

21  
22 Reviser's note.--The cited paragraph, which  
23 relates to authorization for the Governor to  
24 approve the initiation of certain fixed capital  
25 outlay projects within the Department of  
26 Corrections for specified purposes, expired  
27 pursuant to its own terms, effective March 8,  
28 2004.

29  
30 Section 10. Subparagraph 2. of paragraph (h) of  
31 subsection (1) of section 220.191, Florida Statutes, as

1 reenacted by section 17 of chapter 2004-5, Laws of Florida, is  
2 repealed.

3

4 Reviser's note.--The cited subparagraph, which  
5 relates to certain new financial facilities  
6 qualifying as "qualifying projects" for  
7 purposes of the capital investment tax credit,  
8 expired pursuant to its own terms, effective  
9 June 30, 2004.

10

11 Section 11. Paragraphs (b) and (c) of subsection (1)  
12 of section 252.373, Florida Statutes, as amended by section 4  
13 of chapter 2004-235, Laws of Florida, and section 48 of  
14 chapter 2004-269, Laws of Florida, are repealed.

15

16 Reviser's note.--The cited paragraphs, which  
17 relate to use of the Emergency Management,  
18 Preparedness, and Assistance Trust Fund for  
19 fiscal year 2003-2004 only, and a review and  
20 transfer of funds within that trust fund,  
21 expired pursuant to their own terms, effective  
22 July 1, 2004.

23

24 Section 12. Subsection (21) of section 259.105,  
25 Florida Statutes, is repealed.

26

27 Reviser's note.--The cited subsection, which  
28 relates to distribution of funds to water  
29 management districts for specified purposes for  
30 the 2003-2004 fiscal year only, expired

31

1           pursuant to its own terms, effective July 1,  
2           2004.

3  
4           Section 13. Section 288.9511, Florida Statutes, as  
5 amended by section 23 of chapter 2004-357, Laws of Florida,  
6 and sections 288.9515 and 288.9517, Florida Statutes, are  
7 repealed.

8  
9           Reviser's note.--The cited sections, which  
10 relate to technology development programs, were  
11 repealed by s. 80, ch. 2003-399, Laws of  
12 Florida, effective July 1, 2004. Since the  
13 sections were not repealed by a "current  
14 session" of the Legislature, they may be  
15 omitted from the 2005 Florida Statutes only  
16 through a reviser's bill duly enacted by the  
17 Legislature. See s. 11.242(5)(b) and (i).

18  
19           Section 14. Subsection (4) of section 339.08, Florida  
20 Statutes, as amended by section 8 of chapter 2004-366, Laws of  
21 Florida, is repealed.

22  
23           Reviser's note.--The cited subsection, which  
24 transfers specified funds from the State  
25 Transportation Trust Fund to the General  
26 Revenue Fund for the 2003-2004 fiscal year  
27 only, expired pursuant to its own terms,  
28 effective July 1, 2004.

29  
30           Section 15. Subsection (3) of section 339.082, Florida  
31 Statutes, is repealed.

1           Reviser's note.--The cited subsection, which  
2           relates to termination of the Federal Law  
3           Enforcement Trust Fund within the Department of  
4           Transportation, was repealed by s. 2, ch.  
5           2002-136, Laws of Florida, effective May 25,  
6           2004. Since the subsection was not repealed by  
7           a "current session" of the Legislature, it may  
8           be omitted from the 2005 Florida Statutes only  
9           through a reviser's bill duly enacted by the  
10          Legislature. See s. 11.242(5)(b) and (i).

11  
12          Section 16. Subsection (3) of section 372.127, Florida  
13          Statutes, is repealed.

14  
15          Reviser's note.--The cited subsection, which  
16          relates to termination of the Conservation and  
17          Recreation Lands Program Trust Fund of the Fish  
18          and Wildlife Conservation Commission, was  
19          repealed by s. 2, ch. 2001-34, Laws of Florida,  
20          effective July 1, 2004. Since the subsection  
21          was not repealed by a "current session" of the  
22          Legislature, it may be omitted from the 2005  
23          Florida Statutes only through a reviser's bill  
24          duly enacted by the Legislature. See s.  
25          11.242(5)(b) and (i).

26  
27          Section 17. Subsection (9) of section 372.561, Florida  
28          Statutes, is repealed.

29  
30          Reviser's note.--The cited subsection, which  
31          relates to implementation of fees for hunting

1 and fishing licenses and permits, expired  
2 pursuant to its own terms, effective July 1,  
3 2004.

4  
5 Section 18. Subsection (6) of section 376.875, Florida  
6 Statutes, is repealed.

7  
8 Reviser's note.--The cited subsection, which  
9 relates to use of moneys in the Brownfield  
10 Property Ownership Clearance Assistance  
11 Revolving Loan Trust Fund for the 2003-2004  
12 fiscal year only, expired pursuant to its own  
13 terms, effective July 1, 2004.

14  
15 Section 19. Subsection (7) of section 381.79, Florida  
16 Statutes, is repealed.

17  
18 Reviser's note.--The cited subsection, which  
19 relates to disbursement of specified  
20 appropriated funds for brain and spinal cord  
21 injury research for the 2003-2004 fiscal year  
22 only, expired pursuant to its own terms,  
23 effective July 1, 2004.

24  
25 Section 20. Section 456.0375, Florida Statutes, is  
26 repealed.

27  
28 Reviser's note.--The cited section, which  
29 relates to registration of certain clinics, was  
30 repealed by s. 15, ch. 2003-411, Laws of  
31 Florida, effective March 1, 2004. Since the

1 section was not repealed by a "current session"  
2 of the Legislature, it may be omitted from the  
3 2005 Florida Statutes only through a reviser's  
4 bill duly enacted by the Legislature. See s.  
5 11.242(5)(b) and (i).

6  
7 Section 21. Paragraph (f) of subsection (3) of section  
8 601.15, Florida Statutes, is repealed.

9  
10 Reviser's note.--The cited paragraph, which  
11 relates to reduction of citrus excise tax rates  
12 for the 2003-2004 fiscal year only, expired  
13 pursuant to its own terms, effective July 1,  
14 2004.

15  
16 Section 22. Subsection (3) of section 723.06115,  
17 Florida Statutes, is repealed.

18  
19 Reviser's note.--The cited subsection, which  
20 relates to termination of the Florida Mobile  
21 Home Relocation Trust Fund, was repealed by s.  
22 2, ch. 2003-249, Laws of Florida, effective  
23 November 4, 2004. Since the subsection was not  
24 repealed by a "current session" of the  
25 Legislature, it may be omitted from the 2005  
26 Florida Statutes only through a reviser's bill  
27 duly enacted by the Legislature. See s.  
28 11.242(5)(b) and (i).

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1           Section 23. Paragraph (d) of subsection (5) of section  
2 932.7055, Florida Statutes, as amended by section 3 of chapter  
3 2004-39, Laws of Florida, is repealed.

4  
5           Reviser's note.--The cited paragraph, which  
6 relates to expenditure of funds in a special  
7 law enforcement trust fund established by the  
8 governing body of a municipality for the  
9 2003-2004 fiscal year only, expired pursuant to  
10 its own terms, effective July 1, 2004.

11  
12           Section 24. Subsection (2) of section 985.4075,  
13 Florida Statutes, is repealed.

14  
15           Reviser's note.--The cited subsection, which  
16 relates to a prohibition on use of operations  
17 appropriations for one-time startup funding for  
18 fixed capital outlay for juvenile justice  
19 programs, expired pursuant to its own terms,  
20 effective July 1, 2004.

21  
22           Section 25. Section 1004.225, Florida Statutes, is  
23 repealed.

24  
25           Reviser's note.--The cited section, which  
26 consists of the Florida Technology Development  
27 Act, expired pursuant to its own terms,  
28 effective July 1, 2004.

29  
30           Section 26. Subsection (3) of section 1010.87, Florida  
31 Statutes, is repealed.

1 Reviser's note.--The cited subsection, which  
2 relates to termination of the Workers'  
3 Compensation Administration Trust Fund within  
4 the Department of Education, was repealed by s.  
5 2, ch. 2003-208, Laws of Florida, effective  
6 November 4, 2004. Since the subsection was not  
7 repealed by a "current session" of the  
8 Legislature, it may be omitted from the 2005  
9 Florida Statutes only through a reviser's bill  
10 duly enacted by the Legislature. See s.  
11 11.242(5)(b) and (i).

12  
13 Section 27. Section 378.035, Florida Statutes, as  
14 amended by section 4 of chapter 2003-423, Laws of Florida, is  
15 amended to read:

16 378.035 Department responsibilities and duties with  
17 respect to Nonmandatory Land Reclamation Trust Fund.--

18 (1) The department shall administer the Nonmandatory  
19 Land Reclamation Trust Fund.

20 (2)(a) The department shall verify that reclamation  
21 activities or portions thereof have been accomplished in  
22 accordance with the reclamation contract and shall certify the  
23 cost of such reclamation activities to the Chief Financial  
24 Officer for reimbursement.

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

28 (c) Nothing in this act precludes a landowner from  
29 performing the reclamation pursuant to the approved  
30 reclamation program, provided the landowner complies with the  
31 provisions of this act.

1           (3) If an applicant who has signed a reclamation  
2 contract abandons the reclamation program prior to substantial  
3 completion of the program, the department may spend the  
4 remaining balance of funds not expended under the contract to  
5 complete the program.

6           (a) The contract amount and any amounts spent by the  
7 department in excess of the remaining balance of the funds  
8 under the contract become a lien upon the property,  
9 enforceable pursuant to chapter 85. The moneys received as a  
10 result of a lien foreclosure or as repayment shall be  
11 deposited into the trust fund.

12           (b) If the land acquired pursuant to the lien  
13 foreclosure has recreational or wildlife value, the department  
14 may retain ownership as with other property acquired pursuant  
15 to s. 378.036. If the department sells the property, the  
16 department shall deposit the proceeds of the sale into the  
17 trust fund.

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

20           (5) Funds within the Nonmandatory Land Reclamation  
21 Trust Fund are also authorized for use by the department for  
22 the following purposes:

23           (a) To reclaim lands disturbed by the severance of  
24 phosphate rock on or after July 1, 1975, in the event that a  
25 mining company ceases mining and the associated reclamation  
26 prior to all lands disturbed by the operation being reclaimed.  
27 Moneys expended by the department to accomplish reclamation  
28 pursuant to this subsection shall become a lien upon the  
29 property enforceable pursuant to chapter 85. The moneys  
30 received as a result of a lien foreclosure or as repayment  
31 shall be deposited into the trust fund. In the event the money

1 received as a result of lien foreclosure or repayment is less  
2 than the amount expended for reclamation, the department shall  
3 use all means available to recover, for the use of the fund,  
4 the difference from the affected parties. Paragraph (3)(b)  
5 shall apply to lands acquired as a result of a lien  
6 foreclosure.

7 (b) For the abatement of an imminent hazard as  
8 provided by s. 403.4154(4) and for the purpose of closing an  
9 abandoned phosphogypsum stack system and carrying out  
10 postclosure care as provided by s. 403.4154(6).

11 (c) For the purpose of funding basic management or  
12 protection of reclaimed, restored, or preserved phosphate  
13 lands:

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

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

20 3. For which other management funding options are not  
21 available.

22  
23 These funds may, after the basic management or protection has  
24 been assured for all such lands, be combined with other  
25 available funds to provide a higher level of management for  
26 such lands.

27 (d) For the sole purpose of funding the department's  
28 implementation of:

29 1. The NPDES permitting program authorized by s.  
30 403.0885, as it applies to phosphate mining and beneficiation

31

1 facilities, phosphate fertilizer production facilities, and  
2 phosphate loading and handling facilities;

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

5 3. The phosphogypsum management program pursuant to s.  
6 403.4154 and department rule 62-673, Florida Administrative  
7 Code.

8 (6) Should the nonmandatory land reclamation program  
9 encumber all the funds in the Nonmandatory Land Reclamation  
10 Trust Fund except those reserved by subsection (5) prior to  
11 funding all the reclamation applications for eligible parcels,  
12 the funds reserved by subsection (5) shall be available to the  
13 program to the extent required to complete the reclamation of  
14 all eligible parcels for which the department has received  
15 applications.

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

18 (8) The Bureau of Mine Reclamation shall review the  
19 sufficiency of the Nonmandatory Land Reclamation Trust Fund to  
20 support the stated objectives and report to the secretary  
21 annually with recommendations as appropriate.

22 ~~(9) For the 2003-2004 fiscal year only,~~  
23 ~~notwithstanding the provisions of subsections (5) and (6), the~~  
24 ~~department is authorized to expend the moneys appropriated in~~  
25 ~~the General Appropriations Act for the abatement of imminent~~  
26 ~~hazards caused by, and for the closure of, abandoned~~  
27 ~~phosphogypsum stack systems as provided in subsections (3) and~~  
28 ~~(5) of s. 403.4154, respectively. This subsection expires July~~  
29 ~~1, 2004.~~

30  
31

1 ~~For the 2003-2004 fiscal year the department may not approve~~  
2 ~~or encumber nonmandatory reclamation projects in amounts~~  
3 ~~greater than \$15 million.~~

4  
5 Reviser's note.--Subsection (9), which relates  
6 to authorization of the Department of  
7 Environmental Protection to expend appropriated  
8 moneys for the abatement of imminent hazards  
9 caused by, and for the closure of, abandoned  
10 phosphogypsum stack systems for the 2003-2004  
11 fiscal year only, expired pursuant to its own  
12 terms, effective July 1, 2004. The flush left  
13 paragraph at the end of s. 378.035 is repealed  
14 to conform to the fact that it prohibits  
15 approval of specified moneys for the 2003-2004  
16 fiscal year only.

17  
18 Section 28. Section 383.410, Florida Statutes, is  
19 repealed.

20  
21 Reviser's note.--The cited section, which  
22 relates to confidential information obtained by  
23 the State Child Abuse Death Review Committee,  
24 or specified related committees or panels, is  
25 repealed to confirm the October 2, 2004, repeal  
26 of an exemption in accordance with s. 119.15,  
27 the Open Government Sunset Review Act of 1995.

28  
29 Section 29. Subsection (3) of section 202.35, Florida  
30 Statutes, is amended to read:

1           202.35 Powers of department in dealing with  
2 delinquents; tax to be separately stated.--

3           (3) If a dealer or other person fails or refuses to  
4 make his or her records available for inspection so that an  
5 audit or examination of his or her books and records cannot be  
6 made, fails or refuses to register as a dealer, fails to make  
7 a report and pay the tax as provided by this chapter, makes a  
8 grossly incorrect report, or makes a report that is false or  
9 fraudulent, the department shall make an assessment from an  
10 estimate based upon the best information then available to it  
11 for the taxable period of retail sales of the dealer, together  
12 with any accrued interest and penalties. The department shall  
13 then proceed to collect the taxes, interest, and penalties on  
14 the basis of such assessment, which shall be considered prima  
15 facie correct; and the burden to show the contrary rests upon  
16 the dealer or other person. If the dealer fails to respond to  
17 a contact made pursuant to s. 202.27(6) ~~or a notice issued~~  
18 ~~pursuant to s. 202.27(7)~~, or if a dealer's records are  
19 determined to be inadequate for purposes of determining  
20 whether the dealer properly allocated tax to and between local  
21 governments, the department may determine the proper  
22 allocation or reallocation based upon the best information  
23 available to the department and shall seek the agreement of  
24 the affected local governments.

25  
26           Reviser's note.--Amended to conform to the  
27 repeal of s. 202.27(7) by this act to confirm  
28 the repeal of the subsection by s. 6, ch.  
29 2003-254, Laws of Florida, effective June 30,  
30 2004.

31

1           Section 30. Paragraph (a) of subsection (1) of section  
2 627.732, Florida Statutes, is amended to read:

3           627.732 Definitions.--As used in ss. 627.730-627.7405,  
4 the term:

5           (1) "Broker" means any person not possessing a license  
6 under chapter 395, chapter 400, chapter 458, chapter 459,  
7 chapter 460, chapter 461, or chapter 641 who charges or  
8 receives compensation for any use of medical equipment and is  
9 not the 100-percent owner or the 100-percent lessee of such  
10 equipment. For purposes of this section, such owner or lessee  
11 may be an individual, a corporation, a partnership, or any  
12 other entity and any of its 100-percent-owned affiliates and  
13 subsidiaries. For purposes of this subsection, the term  
14 "lessee" means a long-term lessee under a capital or operating  
15 lease, but does not include a part-time lessee. The term  
16 "broker" does not include a hospital or physician management  
17 company whose medical equipment is ancillary to the practices  
18 managed, a debt collection agency, or an entity that has  
19 contracted with the insurer to obtain a discounted rate for  
20 such services; nor does the term include a management company  
21 that has contracted to provide general management services for  
22 a licensed physician or health care facility and whose  
23 compensation is not materially affected by the usage or  
24 frequency of usage of medical equipment or an entity that is  
25 100-percent owned by one or more hospitals or physicians. The  
26 term "broker" does not include a person or entity that  
27 certifies, upon request of an insurer, that:

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

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