By Senator Diaz

36-00919-20 20201124

A bill to be entitled

An act relating to legislative review of occupational regulations; providing a short title; creating s. 11.65, F.S.; defining terms; establishing a schedule for the systematic review of occupational regulatory programs; providing Legislative intent; providing that amending or transferring a section with a scheduled repeal does not affect the scheduled repeal; providing for the abolition of units or subunits of government and personnel positions responsible for repealed programs; providing for the reversion of certain unexpended funds and the refund of certain unencumbered revenue of a repealed program; requiring the Department of Legal Affairs to prosecute or defend certain pending causes of actions; preempting the regulation of an occupation to the state if such occupation's regulatory program has been repealed through this act; providing a schedule of repeal for occupational regulatory programs; providing effective dates.

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

222324

Section 1. This act may be cited as the "Occupational Regulation Sunset Act."

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Section 2. Section 11.65, Florida Statutes, is created to read:

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11.65 Legislative review of occupational regulation.—
(1) As used in this section:

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CODING: Words stricken are deletions; words underlined are additions.

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(a) "Occupational regulatory program" or "program" means any statutory regulatory provision or scheme which places a condition on practicing an occupation, including, but not limited to, programs that require a license, certification, registration, or credential.

- (b) "Local government" means a county, municipality, special district, or political subdivision of the state.
- (c) "Occupation" means a paid job, profession, work, line of work, trade, employment, position, post, career, field, vocation, or craft.
- (2) There is established a schedule for systematic review of the costs and benefits of occupational regulatory programs. The Legislature intends to review each program before the scheduled date on which each occupational regulatory program is set to expire through scheduled repeal to determine whether to allow the program to expire, renew the program without modifications, renew the program with modifications, or provide for other appropriate actions.
- (3) If a chapter or section scheduled for review by this act is subsequently amended or transferred, such subsequent amendment or transfer, unless otherwise expressly provided in the act amending or transferring such chapter or section, shall not eliminate the scheduled repeal of such chapter or section.
- (4) Within 60 days after the date on which any occupational regulatory program is allowed to expire through scheduled repeal under this act, the personnel positions which are responsible for carrying out the program shall be abolished, and all unexpended balances of appropriations, allocations, or other funds for such program shall revert to the fund from which they

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were appropriated or, if that fund is abolished, to the General Revenue Fund. Except as authorized under this section, all regulatory activities related to the repealed program shall cease after the date of repeal.

- (5) Any remaining unencumbered revenue collected under an occupational regulatory program allowed to expire through repeal shall be refunded on a pro rata basis by the Chief Financial Officer pursuant to s. 215.26, upon request of the person or entity who paid, if such request is made within 1 year after the repeal of the program.
- (6) Any cause of action pending on the date the occupational regulatory program was repealed, or any cause of action brought thereafter, shall be prosecuted or defended in the name of the state by the Department of Legal Affairs, if prior to repeal such action would have been prosecuted or defended by the occupational regulatory program repealed by this act.
- (7) Any occupational regulatory program that expires through scheduled repeal in accordance with this act may not be subsequently regulated by a local government. The regulation of any occupation repealed by this act is preempted to the state unless local regulation of such occupation is expressly authorized by law.
- Section 3. Pursuant to the Occupational Regulation Sunset

 Act, the following statutes are repealed effective July 1, 2021:

 ss. 25.383, 25.386, 310.001, 310.0015, 310.002, 310.011,

 310.032, 310.042, 310.051, 310.061, 310.071, 310.073, 310.075,

 310.081, 310.091, 310.101, 310.102, 310.111, 310.1112, 310.1115,

 310.121, 310.131, 310.141, 310.142, 310.146, 310.151, 310.161,

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     310.171, 310.181, 310.183, 310.185, 320.8249, 326.001, 326.002,
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     326.003, 326.004, 326.005, 326.006, 401.27, 401.271, 401.2715,
 90
     401.272, 401.273, 401.465, 468.381, 468.382, 468.383, 468.384,
     468.385, 468.3851, 468.3852, 468.3855, 468.386, 468.387,
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     468.388, 468.389, 468.391, 468.392, 468.393, 468.394, 468.395,
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     468.396, 468.397, 468.398, 468.399, 468.401, 468.402, 468.403,
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     468.404, 468.405, 468.406, 468.407, 468.408, 468.409, 468.410,
     468.411, 468.412, 468.413, 468.414, 468.415, 468.431, 468.4315,
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     468.432, 468.433, 468.4334, 468.4336, 468.4337, 468.4338,
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     468.435, 468.436, 468.4365, 468.437, 468.438, 468.451, 468.452,
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     468.453, 468.4535, 468.4536, 468.454, 468.456, 468.4561,
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     468.45615, 468.4562, 468.4565, 468.457, 468.501, 468.502,
100
     468.503, 468.504, 468.505, 468.506, 468.507, 468.508, 468.509,
     468.51, 468.511, 468.512, 468.513, 468.514, 468.515, 468.516,
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     468.517, 468.518, 468.70, 468.701, 468.703, 468.705, 468.707,
103
     468.709, 468.711, 468.713, 468.715, 468.717, 468.719, 468.723,
104
     468.80, 468.801, 468.802, 468.803, 468.806, 468.808, 468.809,
105
     468.8095, 468.811, 468.812, 468.813, 478.40, 478.41, 478.42,
     478.43, 478.44, 478.45, 478.46, 478.47, 478.48, 478.49, 478.50,
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107
     478.54, 480.031, 480.032, 480.033, 480.034, 480.035, 480.036,
108
     480.039, 480.041, 480.0415, 480.042, 480.043, 480.044, 480.046,
109
     480.0465, 480.047, 480.0475, 480.0485, 480.049, 480.052,
110
     480.0535, 488.01, 488.02, 488.03, 488.04, 488.045, 488.05,
     488.06, 488.07, 488.08, 554.104, 554.114(1)(d), 627.7015(4), and
111
112
     627.7074(1)(a), Florida Statutes.
113
          Section 4. Pursuant to the Occupational Regulation Sunset
114
     Act, the following statutes are repealed effective July 1, 2022:
115
     ss. 61.125, 373.302, 373.303, 373.306, 373.308, 373.309,
     373.313, 373.314, 373.316, 373.319, 373.323, 373.324, 373.325,
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     373.326, 373.329, 373.333, 373.335, 373.336, 373.337, 373.342,
118
     399.01(16), 457.101, 457.102, 457.103, 457.104, 457.105,
     457.107, 457.108, 457.1085, 457.109, 457.116, 457.118, 458.301,
119
     458.303, 458.305, 458.307, 458.309, 458.310, 458.311, 458.3115,
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121
     458.3124, 458.313, 458.3135, 458.3137, 458.314, 458.3145,
122
     458.3147, 458.315, 458.3151, 458.316, 458.3165, 458.317,
123
     458.3175, 458.319, 458.3191, 458.3192, 458.3193, 458.320,
     458.321, 458.323, 458.324, 458.325, 458.3255, 458.326, 458.327,
124
     458.328, 458.329, 458.3295, 458.331, 458.3311, 458.3312,
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126
     458.335, 458.336, 458.337, 458.339, 458.341, 458.343, 458.345,
127
     458.347, 458.3475, 458.348, 458.3485, 458.351, 459.001, 459.002,
128
     459.003, 459.004, 459.005, 459.0055, 459.0066, 459.0075,
     459.0076, 459.00761, 459.0077, 459.008, 459.0081, 459.0082,
129
     459.0083, 459.0085, 459.009, 459.0092, 459.011, 459.012,
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131
     459.0122, 459.0125, 459.013, 459.0135, 459.0138, 459.0141,
132
     459.0145, 459.015, 459.0151, 459.0152, 459.016, 459.017,
133
     459.018, 459.019, 459.021, 459.022, 459.023, 459.025, 459.026,
     468.1105, 468.1115, 46<u>8.1125, 468.1135, 468.1145, 468.1155,</u>
134
     468.1165, 468.1175, 468.1185, 468.1195, 468.1205, 468.1215,
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     468.1225, 468.1245, 468.1246, 468.1255, 468.1265, 468.1275,
137
     468.1285, 468.1295, 468.1296, 468.1315, 468.1635, 468.1645,
138
     468.1655, 468.1665, 468.1675, 468.1685, 468.1695, 468.1705,
     468.1715, 468.1725, 468.1735, 468.1745, 468.1755, 468.1756,
139
140
     468.201, 468.203, 468.204, 468.205, 468.207, 468.209, 468.211,
141
     468.213, 468.215, 468.217, 468.219, 468.221, 468.223, 468.225,
142
     468.3001, 468.3003, 468.301, 468.302, 468.303, 468.304, 468.305,
143
     468.306, 468.3065, 468.307, 468.309, 468.3095, 468.3101,
144
     468.311, 468.3115, 468.312, 468.314, 468.315, 468.35, 468.351,
     468.352, 468.353, 468.354, 468.355, 468.358, 468.359, 468.36,
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     468.361, 468.363, 468.364, 468.365, 468.366, 468.367, 468.368,
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     468.369, 468.520, 468.521, 468.522, 468.523, 468.524, 468.5245,
     468.525, 468.526, 468.527, 468.5275, 468.528, 468.529, 468.530,
148
     468.531, 468.532, 468.533, 468.534, 468.535, 468.83, 468.831,
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150
     468.8311, 468.8312, 468.8313, 468.8314, 468.8315, 468.8316,
     <u>468.8317, 468.8318, 468.8319, 468.832</u>, 468.8321, 468.8322,
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152
     468.8323, 468.8324, 468.8325, 468.84, 468.841, 468.8411,
     468.8412, 468.8413, 468.8414, 468.8415, 468.<u>8416, 468.8417,</u>
153
     468.8418, 468.8419, 468.842, 468.8421, 468.8422, 468.8423,
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155
     468.8424, 497.144, 497.145, 497.147, 497.148, 497.168, 497.365,
156
     497.366, 497.368, 497.369, 497.370, 497.371, 497.372, 497.373,
157
     497.374, 497.375, 497.376, 497.377, 497.378, 497.379, 497.390,
     497.554, 497.602, 497.603, 497.605, 501.605, 501.607, 501.608,
158
     501.609, 501.612, 501.616(2) and (4), 507.01, 507.02, 507.03,
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160
     507.04, 507.05, 507.06, 507.07, 507.08, 507.09, 507.10, 507.11,
161
     507.12, 507.13, 517.12(1) and (4), 548.003, 548.017, 634.171,
162
     634.318, 634.320, and 634.420, Florida Statutes.
163
          Section 5. Pursuant to the Occupational Regulation Sunset
164
     Act, the following statutes are repealed effective July 1, 2023:
165
     ss. 44.106, 450.30, 460.401, 460.402, 460.403, 460.404, 460.405,
166
     460.406, 460.4061, 460.4062, 460.407, 460.408, 460.41, 460.411,
167
     460.412, 460.413, 460.414, 460.4165, 460.4166, 460.4167,
     461.001, 461.002, 461.003, 461.004, 461.005, 461.006, 461.007,
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169
     461.008, 461.009, 461.012, 461.013, 461.0131, 461.0134,
170
     461.0135, 461.014, 461.018, 462.01, 462.023, 462.08, 462.09,
171
     462.11, 462.13, 462.14, 462.16, 462.17, 462.18, 462.19,
172
     462.2001, 463.0001, 463.001, 463.002, 463.003, 463.004, 463.005,
173
     463.0055, 463.0057, 463.006, 463.007, 463.008, 463.009, 463.011,
174
     463.012, 463.013, 463.0135, 463.014, 463.0141, 463.015, 463.016,
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20201124__ 36-00919-20 175 463.018, 473.301, 473.302, 473.303, 473.3035, 473.304, 473.305, 176 473.306, 473.3065, 473.308, 473.309, 473.3101, 473.311, 473.312, 473.3125, 473.313, 473.314, 473.3141, 473.315, 473.316, 473.318, 177 473.319, 473.3205, 473.321, 473.322, 473.323, 474.201, 474.202, 178 179 474.203, 474.204, 474.205, 474.206, 474.2065, 474.207, 474.211, 180 474.2125, 474.213, 474.214, 474.2145, 474.215, 474.216, 181 474.2165, 474.2167, 474.217, 474.2185, 474.221, 475.001, 475.01, 475.011, 475.02, 475.021, 475.03, 475.04, 475.045, 475.05, 182 183 475.10, 475.125, 475.15, 475.161, 475.17, 475.175, 475.180, 184 475.181, 475.182, 475.183, 475.215, 475.22, 475.23, 475.24, 185 475.25, 475.255, 475.2701, 475.272, 475.274, 475.2755, 475.278, 186 475.28, 475.2801, 475.31, 475.37, 475.38, 475.41, 475.42, 475.43, 475.451, 475.4511, 475.453, 475.455, 475.482, 475.483, 187 475.4835, 475.484, 475.485, 475.486, 475.5015, 475.5016, 188 189 475.5017, 475.5018, 476.014, 476.024, 476.034, 476.044, 476.054, 190 476.064, 476.074, 476.114, 476.134, 476.144, 476.154, 476.155, 191 476.178, 476.184, 476.188, 476.192, 476.194, 476.204, 476.214, 192 476.234, 476.244, 476.254, 477.011, 477.012, 477.013, 477.0132, 477.0135, 477.014, 477.015, 477.016, 477.017, 477.018, 477.019, 193 194 477.0201, 477.0212, 477.0213, 477.022, 477.023, 477.025, 195 477.026, 477.0263, 477.0265, 477.028, 477.029, 477.031, 483.800, 196 483.801, 483.803, 483.805, 483.807, 483.809, 483.811, 483.812, 483.813, 483.815, 483.817, 483.819, 483.821, 483.823, 483.824, 197 198 483.825, 483.828, 483.901, 484.002, 484.007(3) and (4), 484.013, 199 484.014, 484.015, 484.018(3), 486.011, 486.015, 486.021, 200 486.023, 486.025, 486.028, 486.031, 486.041, 486.051, 486.061, 201 486.0715, 486.081, 486.085, 486.102, 486.103, 486.104, 486.106, 202 486.1065, 486.107, 486.108, 486.109, 486.115, 486.123, 486.125, 203 486.135, 486.151, 486.153, 486.161, 486.171, 486.172, 496.4101,

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204
     559.901, 559.902, 559.903, 559.904, 559.905, 559.907, 559.909,
205
     559.911, 559.915, 559.916, 559.917, 559.919, 559.920, 559.921,
     559.9215, 559.92201, 559.9221, 559.926, 559.927, 559.928,
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207
     559.9281, 559.9285, 559.929, 559.9295, 559.931, 559.932,
208
     559.933, 559.9335, 559.934, 559.935, 559.935, 559.936, 559.937,
     559.938, 559.939, 633.132, 633.216, 633.304, 633.316, 633.318,
209
210
     633.324, 633.328, 633.332, 633.336, 633.338, 633.406, 633.408,
     633.412, 633.414, 633.416, 633.418, 633.424, 633.426, 648.24,
211
     648.25, 648.26, 648.27, 648.279, 648.285, 648.29, 648.295,
212
213
     648.30, 648.31, 648.315, 648.33, 648.34, 648.35, 648.355,
214
     648.36, 648.365, 648.38, 648.381, 648.382, 648.383, 648.384,
215
     648.385, 648.386, 648.387, 648.388, 648.39, 648.40, 648.41,
     648.42, 648.421, 648.43, 648.44, 648.441, 648.442, 648.4425,
216
217
     648.45, 648.46, 648.48, 648.49, 648.50, 648.51, 648.52, 648.525,
218
     648.53, 648.55, 648.57, 648.571, and 648.58, Florida Statutes.
219
          Section 6. Pursuant to the Occupational Regulation Sunset
220
     Act, the following statutes are repealed effective July 1, 2024:
221
     ss. 381.0075, 381.00771, 381.00773, 381.00775, 381.00777,
222
     381.00781, 381.00783, 381.00785, 381.00787, 381.00789,
223
     381.00791, 381.0101, 395.10973, 397.4871, 402.305, 429.52(11)
224
     and (12), 464.001, 464.002, 464.003, 464.004, 464.005, 464.006,
225
     464.008, 464.009, 464.0095, 464.0096, 464.012, 464.013, 464.014,
226
     464.015, 464.016, 464.017, 464.018, 464.019, 464.0195, 464.0196,
     464.0205, 464.022, 464.027, 464.201, 464.202, 464.203, 464.204,
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228
     464.205, 464.206, 464.207, 464.208, 465.002, 465.007, 465.0075,
229
     465.008, 465.009, 465.012, 465.0125, 465.0126, 465.013, 465.014,
230
     465.0155, 465.0252, 465.0255(2), (3), and (4), 465.026,
231
     465.0275, 465.0276, 465.186, 465.187, 465.188, 465.189,
232
     465.1893, 465.1901, 466.001, 466.002, 466.003, 466.004, 466.005,
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     466.006, 466.0065, 466.0067, 466.00671, 466.00672, 466.00673,
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     466.007, 466.0075, 466.008, 466.009, 466.011, 466.013, 466.0135,
     466.014, 466.015, 466.016, 466.017, 466.018, 466.019, 466.021,
235
     466.022, 466.023, 466.0235, 466.024, 466.025, 466.026, 466.027,
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237
     466.0275, 466.02751, 466.028, 466.0282, 466.0285, 466.041,
     466.051, 467.001, 467.0<u>02, 467.003, 467.004, 467.005, 467.006,</u>
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     467.009, 467.011, 467.012, 467.0125, 467.013, 467.0135, 467.014,
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     467.015, 467.016, 467.017, 467.019, 467.201, 467.203, 467.205,
241
     467.207, 468.601, 468.602, 468.603, 468.604, 468.605, 468.606,
     468.607, 468.609, 468.613, 468.617, 468.619, 468.621, 468.627,
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243
     468.629, 468.631, 468.632, 468.633, 471.001, 471.003, 471.0035,
244
     471.005, 471.007, 471.008, 471.009, 471.011, 471.013, 471.015,
     471.017, 471.019, 471.0195, 471.021, 471.023, 471.025, 471.027,
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246
     471.031, 471.033, 471.037, 471.038, 471.0385, 471.045, 472.001,
247
     472.003, 472.005, 472.006, 472.007, 472.0075, 472.008, 472.009,
248
     472.0101, 472.011, 472.013, 472.0131, 472.0132, 472.0135,
249
     472.015, 472.016, 472.0165, 472.017, 472.018, 472.019, 472.0201,
250
     472.02011, 472.0202, 472.0203, 472.0204, 472.021, 472.023,
251
     472.025, 472.027, 472.029, 472.031, 472.033, 472.0335, 472.0337,
252
     472.034, 472.0345, 472.0351, 472.0355, 472.036, 472.0365,
253
     472.0366, 472.037, 481.201, 481.203, 481.205, 481.2055, 481.207,
254
     481.209, 481.211, 481.213, 481.2131, 481.215, 481.217, 481.219,
     481.221, 481.222, 481.223, 481.225, 481.2251, 481.229, 481.231,
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     481.301, 481.303, 481.305, 481.306, 481.307, 481.309, 481.310,
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     481.311, 481.313, 481.315, 481.317, 481.319, 481.321, 481.323,
258
     481.325, 481.329, 482.011, 482.021, 482.032, 482.051, 482.061,
259
     482.071, 482.072, 482.0815, 482.091, 482.111, 482.121, 482.132,
260
     482.141, 482.151, 482.152, 482.155, 482.156, 482.1562, 482.157,
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     482.161, 482.163, 482.165, 482.1821, 482.183, 482.191, 482.211,
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     482.226, 482.2265, 482.2267, 482.227, 482.231, 482.2401,
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     482.241, 482.242, 482.243, 485.001, 485.002, 485.003, 485.004,
     485.005, 487.011, 487.012, 487.021, 487.025, 487.031, 487.041,
264
     487.042, 487.0435, 487.0437, 487.044, 487.045, 487.046, 487.047,
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266
     487.048, 487.049, 487.051, 487.064, 487.071, 487.081, 487.091,
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     487.101, 487.111, 487.13, 487.15, 487.156, 487.1585, 487.159,
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     487.160, 487.161, 487.163, 487.171, 487.175, 489.101, 489.103,
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     489.105, 489.107, 489.108, 489.109, 489.111, 489.113, 489.1131,
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     489.1136, 489.114, 489.115, 489.116, 489.117, 489.118, 489.119,
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     489.1195, 489.121, 489.124, 489.125, 489.126, 489.127, 489.128,
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     489.129, 489.13, 489.131, 489.132, 489.133, 489.134, 489.140,
273
     489.1401, 489.1402, 489.141, 489.142, 489.1425, 489.143,
     489.144, 489.145, 489.1455, 489.146, 489.501, 489.503, 489.505,
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     489.507, 489.509, 489.510, 489.511, 489.513, 489.514, 489.515,
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     489.516, 489.5161, 489.517, 489.518, 489.5185, 489.519, 489.520,
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     489.521, 489.522, 489.523, 489.525, 489.529, 489.530, 489.531,
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     489.5315, 489.532, 489.533, 489.5335, 489.537, 489.538, 489.551,
279
     489.552, 489.553, 489.554, 489.555, 489.556, 489.557, 489.558,
280
     490.001, 490.002, 490.003, 490.004, 490.005, 490.0051, 490.006,
281
     490.007, 490.0085, 490.009, 490.0111, 490.012, 490.0121,
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     490.014, 490.0141, 490.0143, 490.0145, 490.0147, 490.0148,
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     490.0149, 490.015, 491.002, 491.003, 491.004, 491.0045,
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     491.0046, 491.005, 491.0057, 491.006, 491.0065, 491.007,
285
     491.008, 491.0085, 491.009, 491.0111, 491.0112, 491.012,
286
     491.014, 491.0141, 491.0143, 491.0144, 491.0145, 491.0147,
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     491.0148, 491.0149, 491.015, 491.016, 492.101, 492.102, 492.103,
288
     492.104, 492.105, 492.1051, 492.106, 492.107, 492.108, 492.109,
289
     492.1101, 492.111, 492.112, 492.113, 492.114, 492.115, 492.116,
     492.1165, 626.011, 626.015, 626.016, 626.022, 626.025, 626.0428,
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     626.112, 626.141, 626.161, 626.171, 626.172, 626.175, 626.181,
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     626.191, 626.201, 626.202, 626.207, 626.211, 626.221, 626.231,
293
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321	626.8796, 626.8797, 626.927, 626.9271, 626.9272, 626.9912,
322	626.9916, 626.995, 626.9951, 626.9952, 626.9953, 626.9954,
323	626.9955, 626.9956, 626.9957, and 626.9958, Florida Statutes.
324	Section 7. Except as otherwise expressly provided in this
325	act, this act shall take effect upon becoming a law.