

By Senator Benacquisto

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1 A reviser's bill to be entitled
2 An act relating to the Florida Statutes; amending ss.
3 73.073, 110.2037, 250.116, 250.40, 257.12, 258.015,
4 258.15, 261.06, 265.703, 267.075, 267.173, 267.1735,
5 288.1082, 288.774, 288.776, 311.07, 375.065, and
6 379.2402, F.S., and repealing s. 217.14, F.S., to
7 conform to the directive of the Legislature in section
8 9 of chapter 2012-116, Laws of Florida, codified as
9 section 11.242(5)(j), Florida Statutes, to prepare a
10 reviser's bill to omit all statutes and laws, or parts
11 thereof, which grant duplicative, redundant, or unused
12 rulemaking authority; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Subsection (2) of section 73.073, Florida
17 Statutes, is amended to read:

18 73.073 Eminent domain procedure with respect to condominium
19 common elements.—

20 (2) With respect to the exercise of eminent domain or a
21 negotiated sale for the purchase or taking of a portion of the
22 common elements of a condominium, the condemning authority shall
23 have the responsibility of contacting the condominium
24 association and acquiring the most recent rolls indicating the
25 names of the unit owners or contacting the appropriate taxing
26 authority to obtain the names of the owners of record on the tax
27 rolls. Notification shall be sent by certified mail, return
28 receipt requested, to the unit owners of record of the
29 condominium units by the condemning authority indicating the
30 intent to purchase or take the required property and requesting
31 a response from the unit owner. The condemning authority shall

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32 be responsible for the expense of sending notification pursuant
33 to this section. Such notice shall, at a minimum, include:

34 (a) The name and address of the condemning authority.

35 (b) A written or visual description of the property.

36 (c) The public purpose for which the property is needed.

37 (d) The appraisal value of the property.

38 (e) A clear, concise statement relating to the unit owner's
39 right to object to the taking or appraisal value and the
40 procedures and effects of exercising that right.

41 (f) A clear, concise statement relating to the power of the
42 association to convey the property on behalf of the unit owners
43 if no objection to the taking or appraisal value is raised, and
44 the effects of this alternative on the unit owner.

45
46 ~~The Division of Florida Condominiums, Timeshares, and Mobile~~
47 ~~Homes of the Department of Business and Professional Regulation~~
48 ~~may adopt, by rule, a standard form for such notice and may~~
49 ~~require the notice to include any additional relevant~~
50 ~~information.~~

51 Section 2. Subsection (5) of section 110.2037, Florida
52 Statutes, is amended to read:

53 110.2037 Alternative benefits; tax-sheltered annual leave
54 and sick leave payments and special compensation payments.-

55 ~~(5) The department shall determine by rule the design of~~
56 ~~the plans and the eligibility of participants.~~

57 Section 3. Section 217.14, Florida Statutes, is repealed.

58 Section 4. Subsection (7) of section 250.116, Florida
59 Statutes, is amended to read:

60 250.116 Soldiers and Airmen Assistance Program.-

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61 ~~(7) RULES. The Department of Military Affairs may adopt~~
62 ~~rules to administer this section.~~

63 Section 5. Paragraphs (c) and (f) of subsection (5) of
64 section 250.40, Florida Statutes, are amended to read:

65 250.40 Armory Board; creation; membership, terms, and
66 compensation; duties and responsibilities.-

67 (5) The Armory Board must:

68 (c) Receive from counties, municipalities, and other
69 sources donations of land, services, or money to aid in
70 providing, operating, improving, and maintaining armories and
71 other facilities used for military purposes. The national
72 military policy recognizes the Florida National Guard as an
73 important component of the United States Army and Air Force, and
74 a member of the total force, sharing in the defense of the
75 country. The Florida National Guard is available to assist the
76 state and local governments in the event of an emergency.
77 Therefore, it is reasonable and equitable that the expense of
78 maintaining the Florida National Guard be shared by the federal,
79 state, and local governments. As the Federal Government is
80 providing liberally for the equipment and training of the
81 Florida National Guard and the state for its administration,
82 management, and maintenance, local governments are encouraged to
83 provide services at no cost to Florida National Guard armories.

84 1. Any contributions of money, any moneys derived from the
85 rental of armories and other facilities, the armory-operations
86 allowances provided in s. 250.20, and all money collected
87 through fines imposed by a court-martial or nonjudicial
88 proceeding of the Florida National Guard, as provided in s.
89 250.36(5), shall be received on behalf of the Armory Board by

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90 the post commander of such facility and must be deposited into a
91 federal depository, approved by the Department of Military
92 Affairs, in an account in a banking institution in the county in
93 which such facility is located.

94 2. The funds received shall be disbursed for the purposes
95 enumerated in this subsection at the discretion of the post
96 commander ~~according to rules established by the Armory Board.~~

97 3. Any real property donated shall be held as other
98 property for use by the state, and counties and municipalities
99 may make donations of lands by deed or long-term lease and
100 contributions of moneys for the purposes set forth in this
101 section, and may issue bonds or certificates of indebtedness to
102 provide funds for such purposes. Boards of county commissioners
103 may levy taxes, not to exceed 1 mill, to provide funds for the
104 construction of armories or for the retirement of bonds or
105 certificates of indebtedness issued to provide funds for the
106 construction of armories. Counties and municipalities may
107 construct armories upon state-owned land, which may be made
108 available for such purpose by action of the Armory Board.
109 Counties and municipalities may also grant to the Armory Board,
110 by deed or long-term leases, property that is acquired or
111 buildings that are constructed for military purposes. Each local
112 government is encouraged to provide economic incentives to
113 reduce the cost of locating Florida National Guard facilities in
114 its jurisdiction. A local government may appropriate funds to
115 pay expenses of the Florida National Guard unit in its
116 jurisdiction. Such funds will be received, accounted for, and
117 dispersed as other funds received by the unit.

118 (f) ~~Adopt rules for managing armories and other facilities~~

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119 ~~under the control of the Department of Military Affairs. The~~
120 ~~rules must ensure that federal and state military property is~~
121 ~~secure.~~ Each unit commander shall provide for the safekeeping,
122 accountability, and proper care of such property and for its
123 protection against misappropriation or loss. An armory, while it
124 is occupied and in use by troops, is a military post and must be
125 under the control and jurisdiction of the post commander. A
126 building that is not under the control and supervision of the
127 post commander or other properly constituted military authority
128 may not be used to house or train troops or to store military
129 property.

130 Section 6. Subsection (3) of section 257.12, Florida
131 Statutes, is amended to read:

132 257.12 Division of Library and Information Services
133 authorized to accept and expend federal funds.—

134 (3) All public libraries are encouraged to adopt an
135 Internet safety education program, including the implementation
136 of a computer-based educational program, which has been endorsed
137 by a government-sanctioned law enforcement agency or other
138 reputable public safety advocacy organization and is designed
139 for children and adults. The purpose of the Internet safety
140 education program is to promote the use of prudent online
141 deportment and broaden awareness of online predators. The
142 program must be interactive and age-appropriate. Each library
143 shall annually report to the division the annual number of
144 program participants who complete the Internet safety education
145 program. By April 1, 2010, the division shall reward ~~adopt rules~~
146 ~~for rewarding~~ those libraries in the program grant application
147 process which have had 1 percent or more of their annual number

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148 of program participants, based on the total number of registered
149 borrowers from the preceding year, complete the Internet safety
150 education program adopted by the library. Program participants
151 completing the program as a result of strategic partnerships or
152 collaboration between the library and other entities shall be
153 integrated into the library's annual report. The division shall
154 ~~adopt rules to~~ allocate 10 percent of the total points available
155 in the library services and technology grant application
156 evaluation process to public libraries that are in compliance
157 with this section, beginning with the grant application cycle
158 for the 2011-2012 fiscal year.

159 Section 7. Paragraph (b) of subsection (3) of section
160 258.015, Florida Statutes, is amended to read:

161 258.015 Citizen support organizations; use of property;
162 audit.—

163 (3) PARTNERSHIPS IN PARKS.—

164 (b) The Legislature may annually appropriate funds from the
165 Land Acquisition Trust Fund for use only as state matching
166 funds, in conjunction with private donations in aggregates of at
167 least \$60,000 matched by \$40,000 of state funds for a total
168 minimum project amount of \$100,000 for capital improvement
169 facility development at state parks, at either individually
170 designated parks or for priority projects within the overall
171 state park system. Not more than 30 percent of the Land
172 Acquisition Trust Fund unencumbered fund balance or \$3 million,
173 whichever is less, shall be reserved, available annually for
174 matching private donations. The amount held in reserve for the
175 state match will be no greater than \$6 million for any fiscal
176 year. State funds from the Land Acquisition Trust Fund or other

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177 appropriate funding sources shall be used for matching private
178 donations for 40 percent of the projects' costs. Funds held in
179 reserve for the purposes of this subsection shall be available
180 only after the requirements of s. 375.041(4) are met. Citizen
181 support organizations organized and operating for the benefit of
182 state parks may acquire private donations pursuant to this
183 section, and matching state funds for approved projects may be
184 provided in accordance with this subsection. The department is
185 authorized to properly recognize and honor a private donor by
186 placing a plaque or other appropriate designation noting the
187 contribution on project facilities or by naming project
188 facilities after the person or organization that provided
189 matching funds. ~~The department is authorized to adopt necessary~~
190 ~~administrative rules to carry out the purposes of this~~
191 ~~subsection.~~

192 Section 8. Subsection (2) of section 258.15, Florida
193 Statutes, is amended to read:

194 258.15 St. Michael's Cemetery designated a state park.—

195 (2) The Division of Recreation and Parks of the Department
196 of Environmental Protection shall manage and operate the said
197 cemetery and ~~shall be authorized to make such reasonable rules~~
198 ~~and regulations with respect to the said cemetery as the said~~
199 ~~division shall deem necessary for the orderly operation,~~
200 ~~protection, and preservation of said cemetery.~~ However, this
201 section shall not be construed to prevent, and no rule and
202 regulation shall be made which will prevent, the continued
203 interment of bodies in the cemetery lots which are privately
204 owned.

205 Section 9. Subsection (11) of section 261.06, Florida

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206 Statutes, is amended to read:

207 261.06 Functions, duties, and responsibilities of the
208 department.—The following are functions, duties, and
209 responsibilities of the department through the Florida Forest
210 Service:

211 ~~(11) Rulemaking authority to implement the provisions of~~
212 ~~ss. 261.01-261.10.~~

213 Section 10. Paragraph (b) of subsection (2) of section
214 265.703, Florida Statutes, is amended to read:

215 265.703 Citizen support organizations; use of state
216 administrative services and property; audit.—

217 (2) USE OF ADMINISTRATIVE SERVICES AND PROPERTY.—

218 (b) The division may prescribe ~~by rule~~ any condition with
219 which a citizen support organization shall comply in order to
220 use division administrative services, property, or facilities.

221 Section 11. Paragraph (d) of subsection (4) of section
222 267.075, Florida Statutes, is amended to read:

223 267.075 The Grove Advisory Council; creation; membership;
224 purposes.—

225 (4)

226 ~~(d) The Division of Historical Resources shall adopt rules~~
227 ~~governing the maintenance and use of The Grove; the selection,~~
228 ~~acquisition, and disposition of furnishings and decorations for~~
229 ~~the premises; and the acceptance of gifts, contributions,~~
230 ~~bequests, or loans of property.~~

231 Section 12. Paragraph (c) of subsection (4) of section
232 267.173, Florida Statutes, is amended to read:

233 267.173 Historic preservation in West Florida; goals;
234 contracts for historic preservation; powers and duties.—

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235 (4)

236 (c) The university or its direct-support organization, if
237 permitted in the contract with the university, shall have the
238 authority to:

239 1. Enter into agreements to accept credit card payments as
240 compensation, and establish accounts in credit card banks for
241 the deposit of credit card sales invoices.

242 2. Fix and collect charges for admission to any of the
243 state-owned facilities governed by this section.

244 3. Permit the acceptance of tour vouchers issued by tour
245 organizations or travel agents for payment of admissions.

246 4. Adopt and enforce reasonable ~~rules, regulations, or~~
247 policies to govern the conduct of the visiting public.

248 Section 13. Paragraph (c) of subsection (4) of section
249 267.1735, Florida Statutes, is amended to read:

250 267.1735 Historic preservation in St. Augustine; goals;
251 contracts for historic preservation; powers and duties.—

252 (4)

253 (c) The university or its direct-support organization, if
254 permitted in its contract with the university, shall have the
255 authority to:

256 1. Enter into agreements to accept credit card payments as
257 compensation and establish accounts in credit card banks for the
258 deposit of credit card sales invoices.

259 2. Fix and collect charges for admission to any of the
260 state-owned facilities under contract with the Board of Trustees
261 of the Internal Improvement Trust Fund.

262 3. Permit the acceptance of tour vouchers issued by tour
263 organizations or travel agents for payment of admissions.

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264 ~~4. Adopt and enforce reasonable rules to govern the conduct~~
265 ~~of the visiting public.~~

266 Section 14. Subsection (9) of section 288.1082, Florida
267 Statutes, is amended to read:

268 288.1082 Economic Gardening Technical Assistance Pilot
269 Program.—

270 ~~(9) The department may adopt rules under ss. 120.536(1) and~~
271 ~~120.54 to administer this section.~~

272 Section 15. Paragraph (a) of subsection (3) and subsection
273 (4) of section 288.774, Florida Statutes, are amended to read:

274 288.774 Powers and limitations.—

275 (3) (a) The board shall adopt ~~rules on the~~ terms and limits
276 for loans, guarantees, and direct loan originations, but a loan
277 guarantee or a direct loan origination shall not exceed 90
278 percent of the transaction contract.

279 (4) The board shall ~~adopt rules to~~ ensure that program
280 participants graduate from the program to private financing and
281 that no applicant receives more than \$500,000 of assistance over
282 any 5-year period. On a case-by-case basis, the board may exempt
283 applicants from this limitation if the applicant demonstrates
284 that he or she cannot secure financing from traditional lending
285 sources. The term "applicant," as used in this subsection, means
286 any individual corporate officer or business owner regardless of
287 whether the business name changes from application to
288 application.

289 Section 16. Paragraphs (a) and (d) of subsection (3) of
290 section 288.776, Florida Statutes, are amended to read:

291 288.776 Board of directors; powers and duties.—

292 (3) The board shall:

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293 (a) Prior to the expenditure of funds from the export
294 finance account, adopt bylaws, ~~rules~~, and policies which are
295 necessary to carry out the responsibilities under this part,
296 particularly with respect to the implementation of the
297 corporation's programs to insure, coinsure, lend, provide loan
298 guarantees, and make direct, guaranteed, or collateralized loans
299 by the corporation to support export transactions. The
300 corporation's bylaws, ~~rules~~, and policies shall be reviewed and
301 approved by Enterprise Florida, Inc., prior to final adoption by
302 the board.

303 (d) Adopt policies, including criteria, establishing which
304 exporters and export transactions shall be eligible for
305 insurance, coinsurance, loan guarantees, and direct, guaranteed,
306 or collateralized loans which may be extended by the
307 corporation. Pursuant to this subsection, the board shall ~~adopt~~
308 ~~rules to~~ include the following criteria:

309 1. Any individual signing any corporation loan application
310 and loan or guarantee agreement shall have an equity in the
311 business applying for financial assistance.

312 2. Each program shall exclusively support the export of
313 goods and services by small and medium-sized businesses which
314 are domiciled in this state. Priority shall be given to goods
315 which have value added in this state.

316 3. Financial assistance shall only be extended when at
317 least one of the following circumstances exists:

318 a. The assistance is required to secure the participation
319 of small and medium-sized export businesses in federal, state,
320 or private financing programs.

321 b. No conventional source of lender support is available

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322 for the business from public or private financing sources.

323
324 Personal financial records, trade secrets, or proprietary
325 information of applicants shall be confidential and exempt from
326 the provisions of s. 119.07(1).

327 Section 17. Subsection (5) of section 311.07, Florida
328 Statutes, is amended to read:

329 311.07 Florida seaport transportation and economic
330 development funding.—

331 (5) The Department of Transportation may subject any
332 project that receives funds pursuant to this section and s.
333 320.20 to a final audit. The department may ~~adopt rules and~~
334 perform such other acts as are necessary or convenient to ensure
335 that the final audits are conducted and that any deficiency or
336 questioned costs noted by the audit are resolved.

337 Section 18. Subsection (3) of section 375.065, Florida
338 Statutes, is amended to read:

339 375.065 Public beaches; financial and other assistance by
340 Department of Environmental Protection to local governments.—

341 ~~(3) The department is authorized to promulgate such rules~~
342 ~~and forms as may be necessary to carry out the purposes of this~~
343 ~~section and to ensure that all projects to which assistance is~~
344 ~~rendered hereunder are for the purpose of providing public~~
345 ~~beaches for recreation purposes.~~

346 Section 19. Section 379.2402, Florida Statutes, is amended
347 to read:

348 379.2402 Marine information system.—The Fish and Wildlife
349 Conservation Commission shall establish ~~by rule~~ a marine
350 information system in conjunction with the licensing program to

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351 gather marine fisheries data.

352 Reviser's note.—Amends or repeals provisions of the Florida
353 Statutes pursuant to the directive of the Legislature in s.
354 9, ch. 2012-116, Laws of Florida, codified as s.
355 11.242(5)(j), Florida Statutes, to prepare a reviser's bill
356 to omit all statutes and laws, or parts thereof, which
357 grant duplicative, redundant, or unused rulemaking
358 authority.

359 Section 20. This act shall take effect on the 60th day
360 after adjournment sine die of the session of the Legislature in
361 which enacted.