

ENROLLED
HB 7009

2012 Legislature

1 A reviser's bill to be entitled
2 An act relating to the Florida Statutes; repealing ss.
3 216.292(5)(b), 255.503(7)(b), 288.1088(4),
4 339.08(1)(n) and (p), 339.135(7)(a) and (b),
5 341.102(1), 403.1651(3), 445.007(10) and (11),
6 921.0019, 1001.451(2)(c), and 1004.226, F.S.; and
7 amending s. 373.079(4)(a), F.S.; to delete provisions
8 which have become inoperative by noncurrent repeal or
9 expiration and, pursuant to s. 11.242(5)(b) and (i),
10 may be omitted from the 2012 Florida Statutes only
11 through a reviser's bill duly enacted by the
12 Legislature; amending s. 1004.648(12), F.S., to
13 conform a cross-reference; providing an effective
14 date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Paragraph (b) of subsection (5) of section
19 216.292, Florida Statutes, is repealed.

20 Reviser's note.—The cited paragraph, which provides
21 that, for the 2010-2011 fiscal year only, the Governor
22 may recommend the initiation of fixed capital outlay
23 projects funded by grants awarded by the Federal
24 Government through the American Recovery and
25 Reinvestment Act of 2009 or by any other federal
26 economic stimulus grant funding received, expired
27 pursuant to its own terms, effective July 1, 2011.

28 Section 2. Paragraph (b) of subsection (7) of section

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29 255.503, Florida Statutes, is repealed.

30 Reviser's note.—The cited paragraph, which required
31 provision of an analysis when disposition of a
32 facility within the Florida Facilities Pool was
33 recommended, expired pursuant to its own terms,
34 effective July 1, 2011.

35 Section 3. Subsection (4) of section 288.1088, Florida
36 Statutes, is repealed.

37 Reviser's note.—The cited subsection, which relates to
38 requests for contract renegotiation by a Quick Action
39 Closing Fund business submitting reports within a
40 limited timeframe, expired pursuant to its own terms,
41 effective June 30, 2011.

42 Section 4. Paragraphs (n) and (p) of subsection (1) of
43 section 339.08, Florida Statutes, are repealed.

44 Reviser's note.—The cited paragraphs, which relate to
45 expenditure of moneys in the State Transportation
46 Trust Fund for a multicounty transportation or
47 expressway authority created under chapter 343 or
48 chapter 348, where jurisdiction for the authority
49 includes a portion of the State Highway System and the
50 administrative expenses are in furtherance of the
51 duties and responsibilities of the authority in the
52 development of improvements to the State Highway
53 System, and to pay for county and school district
54 transportation infrastructure improvements,
55 respectively, expired pursuant to their own terms,
56 effective July 1, 2011.

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57 Section 5. Paragraphs (a) and (b) of subsection (7) of
58 section 339.135, Florida Statutes, are repealed.

59 Reviser's note.—The cited paragraphs, which relate to
60 legislative intent to maintain fiscal solvency, make
61 prudent use of fiscal resources to minimize project
62 deferral, reduce certain financial projects not
63 programmed for contract letting, reduce cash balances
64 to a specified level to balance the finance plan and
65 cash forecast to the revised funding levels resulting
66 from any reduction in the 2010-2011 General
67 Appropriations Act, and require provision of a
68 specified list of documents to the Legislative Budget
69 Commission with submittal of the work program
70 amendment, expired pursuant to their own terms,
71 effective July 1, 2011.

72 Section 6. Subsection (1) of section 341.102, Florida
73 Statutes, is repealed.

74 Reviser's note.—The cited subsection, which provides a
75 limited exemption from local government regulation for
76 certain nonpublic sector buses engaged solely in
77 intercounty transportation, or engaged in intracity
78 transportation routes if the owner can establish that
79 the bus route has been operated continuously from
80 January 1, 1990, through April 1, 1991, and such
81 intracity transportation has been conducted in
82 compliance with applicable safety rules and
83 regulations promulgated under s. 316.70, the partial
84 exemption to be limited to routes maintained

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85 | continuously from January 1, 1990, through April 1,
86 | 1991, expired by its own terms effective April 1,
87 | 2011, or 10 years after any change in ownership of
88 | such bus, whichever occurs first.

89 | Section 7. Paragraph (a) of subsection (4) of section
90 | 373.079, Florida Statutes, is amended to read:

91 | 373.079 Members of governing board; oath of office;
92 | staff.—

93 | (4) The governing board of the district shall employ:

94 | (a) An executive director, ombudsman, and such engineers,
95 | other professional persons, and other personnel and assistants
96 | as it deems necessary and under such terms and conditions as it
97 | may determine and to terminate such employment. The appointment
98 | of an executive director by the governing board is subject to
99 | approval by the Governor and must be initially confirmed by the
100 | Senate. The governing board may delegate all or part of its
101 | authority under this paragraph to the executive director.
102 | However, the governing board shall delegate to the executive
103 | director all of its authority to take final action on permit
104 | applications under part IV or petitions for variances or waivers
105 | of permitting requirements under part IV.

106 | ~~1.~~ The executive director may execute such delegated
107 | authority through designated staff members. Such delegations
108 | shall not be subject to the rulemaking requirements of chapter
109 | 120. The governing board must provide a process for referring a
110 | denial of such application or petition to the governing board
111 | for the purpose of taking final action. The executive director
112 | must be confirmed by the Senate upon employment and must be

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113 confirmed or reconfirmed by the Senate during the second regular
114 session of the Legislature following a gubernatorial election.

115 ~~2. The delegation required by this paragraph shall~~
116 ~~expressly prohibit governing board members from individually~~
117 ~~intervening in any manner during the review of an application~~
118 ~~before such application is referred to the governing board for~~
119 ~~final action. This subparagraph does not prohibit the governing~~
120 ~~board as a collegial body from acting on any permit application~~
121 ~~or supervising, overseeing, or directing the activities of~~
122 ~~district staff. This subparagraph expires June 1, 2011, unless~~
123 ~~reenacted by the Legislature.~~

124 Reviser's note.—The cited paragraph was amended to
125 delete subparagraph 2., which expired pursuant to its
126 own terms, effective June 1, 2011.

127 Section 8. Subsection (3) of section 403.1651, Florida
128 Statutes, is repealed.

129 Reviser's note.—The cited subsection, which relates to
130 authorization of transfer of moneys in the Ecosystems
131 Management and Restoration Trust Fund to the General
132 Inspection Trust Fund in the Department of Agriculture
133 and Consumer Services for the Farm Share, Food Banks,
134 and Mosquito Control programs, and the Technological
135 Research and Development Authority, for the 2010-2011
136 fiscal year only, expired pursuant to its own terms,
137 effective July 1, 2011.

138 Section 9. Subsections (10) and (11) of section 445.007,
139 Florida Statutes, are repealed.

140 Reviser's note.—The cited subsections, which relate to

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141 prohibition on use of state and federal funds for
142 food, beverages, and entertainment for members, staff,
143 or employees of regional workforce boards, Workforce
144 Florida, Inc., or the Agency for Workforce Innovation
145 except as expressly authorized by state law, and
146 requires boards to comply with specified section
147 requirements before contracting with a member of the
148 regional workforce board and to submit the contracts
149 and related documentation to the Agency for Workforce
150 Innovation for review and recommendation, expired
151 pursuant to their own terms, effective July 1, 2011.

152 Section 10. Section 921.0019, Florida Statutes, is
153 repealed.

154 Reviser's note.—The cited section creates the
155 Correctional Policy Advisory Council. Section 2, ch.
156 2008-54, Laws of Florida, abolished the council,
157 effective July 1, 2011. Since the section was not
158 repealed by a "current session" of the Legislature, it
159 may be omitted from the 2012 Florida Statutes only
160 through a reviser's bill duly enacted by the
161 Legislature. See s. 11.242(5)(b) and (i).

162 Section 11. Paragraph (c) of subsection (2) of section
163 1001.451, Florida Statutes, is repealed.

164 Reviser's note.—The cited paragraph, which authorizes
165 an appropriation of less than \$50,000 for incentive
166 grants for regional consortium service organizations
167 consisting of four or more school districts for the
168 2010-2011 fiscal year, expired pursuant to its own

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169 terms, effective July 1, 2011.

170 Section 12. Section 1004.226, Florida Statutes, is
171 repealed.

172 Reviser's note.—The cited section, the 21st Century
173 Technology, Research, and Scholarship Enhancement Act,
174 was repealed by s. 6, ch. 2006-58, Laws of Florida,
175 effective June 30, 2011. Since the section was not
176 repealed by a "current session" of the Legislature, it
177 may be omitted from the 2012 Florida Statutes only
178 through a reviser's bill duly enacted by the
179 Legislature. See s. 11.242(5)(b) and (i).

180 Section 13. Subsection (12) of section 1004.648, Florida
181 Statutes, is amended to read:

182 1004.648 Florida Energy Systems Consortium.—

183 (12) The steering committee shall consist of the
184 university representatives included in the Centers of Excellence
185 proposals for the Florida Energy Systems Consortium and the
186 Center of Excellence in Ocean Energy Technology-Phase II which
187 were reviewed during the 2007-2008 fiscal year by the Florida
188 Technology, Research, and Scholarship Board created in s.
189 1004.226(4), Florida Statutes 2006; a university representative
190 appointed by the President of Florida International University;
191 and a representative of the Department of Agriculture and
192 Consumer Services. The steering committee is responsible for
193 establishing and ensuring the success of the consortium's
194 mission under subsection (9).

195 Reviser's note.—Amended to conform to the repeal of s.
196 1004.226 by this act.

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197 | Section 14. This act shall take effect on the 60th day
198 | after adjournment sine die of the session of the Legislature in
199 | which enacted.