

1                                   A 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  
 19           condominium 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  
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  
39 owner's 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  
42 the association to convey the property on behalf of the unit  
43 owners if no objection to the taking or appraisal value is  
44 raised, and 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.—

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  
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~~  
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  
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  
165 the 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  
 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  
 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.—

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.

264 | ~~4. Adopt and enforce reasonable rules to govern the~~  
 265 | ~~conduct 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)~~  
 271 | ~~and 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:

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  
 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

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. 9,  
354 ch. 2012-116, Laws of Florida, codified as s. 11.242(5)(j),  
355 Florida Statutes, to prepare a reviser's bill to omit all  
356 statutes and laws, or parts thereof, which grant duplicative,  
357 redundant, or unused rulemaking authority.

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