

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.
 3 252.90, 252.939, 253.126, 260.0144, 287.0572, 295.187,
 4 310.102, 310.142, 310.183, 316.29545, and 316.304,
 5 F.S.; and repealing s. 316.611, F.S.; to conform to
 6 the directive of the Legislature in section 9 of
 7 chapter 2012-116, Laws of Florida, codified as section
 8 11.242(5)(j), Florida Statutes, to prepare a reviser's
 9 bill to omit all statutes and laws, or parts thereof,
 10 which grant duplicative, redundant, or unused
 11 rulemaking authority; providing an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Subsection (1) of section 252.90, Florida
 16 Statutes, is amended to read:

17 252.90 Commission and committee duties.—

18 ~~(1) The commission shall establish by December 31, 1989,~~
 19 ~~uniform reporting forms for all reporting requirements under~~
 20 ~~this part for use by all committees.~~

21 Section 2. Paragraph (c) of subsection (1) and subsection
 22 (2) of section 252.939, Florida Statutes, are amended to read:

23 252.939 Fees.—

24 (1)

25 (c) The division shall establish a fee schedule ~~by rule~~ for
 26 the specified stationary sources, upon the advice and consent of
 27 the commission. The annual registration fee must be based on a
 28 stationary source's highest program level, as determined under
 29 the federal implementing regulations for s. 112(r)(7) and may

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30 not exceed the following:

31 1. Program 1 Stationary Sources \$100. Multiple Program 1
32 stationary sources which are under common ownership and which
33 have the same single chemical process, shall pay a full fee for
34 the first stationary source location and a 50 percent fee for
35 subsequent locations with no owner of such multiple stationary
36 sources paying more than \$1,000. To be eligible for this
37 multiple stationary source fee provision, one single fee payment
38 must be submitted by the owner of the eligible multiple
39 stationary source locations with a listing of the multiple
40 stationary source locations and the single chemical process.

41 2. Program 2 Stationary Sources \$200. Multiple Program 2
42 stationary sources which are under common ownership and which
43 have the same single chemical process, shall pay a full fee for
44 the first three stationary source locations and a 50 percent fee
45 for subsequent locations with no owner of such multiple
46 stationary sources paying more than \$2,000. Multiple Program 2
47 stationary sources which are under common ownership and which
48 are classified under one of the following Standard Industrial
49 Classification group numbers 01, 02, or 07 shall pay a full fee,
50 not to exceed \$100 for the first stationary source location and
51 a 50 percent fee for subsequent locations with no owner of such
52 multiple stationary sources paying more than \$800. To be
53 eligible for these multiple stationary source fee provisions,
54 one single fee payment must be submitted by the owner of the
55 eligible multiple stationary source locations with a listing of
56 the multiple stationary source locations and the chemical
57 process.

58 3. Program 3 Stationary Sources \$1,000.

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59 (2) The division shall establish ~~by rule~~ late fees, not to
60 exceed 10 percent per month of the annual registration fee owed,
61 and not to exceed a total of 50 percent, for failure to timely
62 submit an annual registration fee. A late fee may not be
63 assessed against a stationary source during the initial
64 registration and submission year if 90 days' prior written
65 notice was not provided to that stationary source.

66 Section 3. Subsection (1) of section 253.126, Florida
67 Statutes, is amended to read:

68 253.126 Legislative intent.—The limitations and
69 restrictions imposed by this chapter as amended by chapter 67-
70 393, Laws of Florida, upon the construction of islands or the
71 extension or addition to existing lands or islands bordering on
72 or being in the navigable waters, as defined in s. 253.12, shall
73 apply to the state, its agencies and all political subdivisions
74 and governmental units. No other general or special act shall
75 operate to grant exceptions to this section unless this section
76 is specifically repealed thereby.

77 ~~(1) Notwithstanding any other provision of this chapter,~~
78 ~~the Department of Environmental Protection may authorize, by~~
79 ~~rule, the Department of Transportation to perform any activity~~
80 ~~covered by this chapter, upon certification by the agency that~~
81 ~~it will meet all requirements imposed by statute, rule, or~~
82 ~~standard for environmental control and protection as such~~
83 ~~statute, rule, or standard applies to a governmental program. To~~
84 ~~this end, the department may accept such certification of~~
85 ~~compliance for programs of the agency, conduct investigations~~
86 ~~for compliance, and, if a violation is found to exist, take all~~
87 ~~necessary enforcement action pertaining thereto, including, but~~

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88 ~~not limited to, the revocation of certification. The~~
89 ~~authorization shall be by rule of the department, shall be~~
90 ~~limited to the maintenance, repair, or replacement of existing~~
91 ~~structures, and shall be conditioned upon compliance by the~~
92 ~~agency with specific guidelines or requirements which are set~~
93 ~~forth in the formal acceptance and deemed necessary by the~~
94 ~~department to assure future compliance with this chapter and~~
95 ~~applicable department rules. Failure of the agency to comply~~
96 ~~with any provision of the written acceptance shall constitute~~
97 ~~grounds for its revocation by the department.~~

98 Section 4. Subsection (7) of section 260.0144, Florida
99 Statutes, is amended to read:

100 260.0144 Sponsorship of state greenways and trails.—The
101 department may enter into a concession agreement with a not-for-
102 profit entity or private sector business or entity for
103 commercial sponsorship to be displayed on state greenway and
104 trail facilities or property specified in this section. The
105 department may establish the cost for entering into a concession
106 agreement.

107 ~~(7) The department may adopt rules to administer this~~
108 ~~section.~~

109 Section 5. Subsection (2) of section 287.0572, Florida
110 Statutes, is amended to read:

111 287.0572 Present-value methodology.—

112 ~~(2) The department may adopt rules to administer subsection~~
113 ~~(1).~~

114 Section 6. Subsection (9) of section 295.187, Florida
115 Statutes, is amended to read:

116 295.187 Florida Veteran Business Enterprise Opportunity

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117 Act.—

118 ~~(9) RULES. The Department of Veterans' Affairs and the~~
119 ~~Department of Management Services, as appropriate, may adopt~~
120 ~~rules as necessary to administer this section.~~

121 Section 7. Subsection (1) of section 310.102, Florida
122 Statutes, is amended to read:

123 310.102 Treatment programs for impaired pilots and deputy
124 pilots.—

125 (1) The department shall, ~~by rule,~~ designate approved
126 treatment programs for impaired pilots and deputy pilots under
127 this section. The department may set ~~adopt rules setting~~ forth
128 appropriate criteria for approval of treatment providers.

129 Section 8. Section 310.142, Florida Statutes, is amended to
130 read:

131 310.142 Pilotage at St. Marys Entrance.—The board is
132 authorized to enter into an agreement with the Board of Pilotage
133 Commissioners for the corporate authority of St. Marys, Georgia,
134 for reciprocal pilotage of vessels in the boundary waters and
135 tributaries of St. Marys Entrance. ~~The board shall have the~~
136 ~~authority to promulgate rules to implement the provisions of~~
137 ~~this section.~~

138 Section 9. Subsection (2) of section 310.183, Florida
139 Statutes, is amended to read:

140 310.183 Immediate inactivation of license or certificate
141 for certain violations; rules.—

142 ~~(2) No later than January 1, 1995, the board shall adopt~~
143 ~~rules to administer the provisions of this section and shall~~
144 ~~have continuing authority to amend any such rules it has adopted~~
145 ~~by that deadline. However, if the board fails to adopt such~~

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146 ~~rules by that deadline, the department shall have exclusive~~
147 ~~authority to adopt such rules.~~

148 Section 10. Subsection (5) of section 316.29545, Florida
149 Statutes, is amended to read:

150 316.29545 Window sunscreening exclusions; medical
151 exemption; certain law enforcement vehicles and private
152 investigative service vehicles exempt.-

153 ~~(5) The department is authorized to promulgate rules for~~
154 ~~the implementation of this section.~~

155 Section 11. Subsection (3) of section 316.304, Florida
156 Statutes, is amended to read:

157 316.304 Wearing of headsets.-

158 ~~(3) The Department of Highway Safety and Motor Vehicles~~
159 ~~shall promulgate, by administrative rule, standards and~~
160 ~~specifications for headset equipment the use of which is~~
161 ~~permitted under this section.~~ The department shall inspect and
162 review all headset equipment ~~such devices~~ submitted to it and
163 shall publish a list by name and type of approved equipment.

164 Section 12. Section 316.611, Florida Statutes, is repealed:

165 ~~316.611 Tandem trailer equipment and use. The Department of~~
166 ~~Transportation shall adopt rules to regulate tandem trailer~~
167 ~~truck equipment and use in the interest of safety, public~~
168 ~~convenience, and preservation of public road facilities. The~~
169 ~~rules shall apply according to their terms to all jurisdictions~~
170 ~~of the state except the Florida Turnpike. Such rules shall be~~
171 ~~enforced by the Department of Transportation, the Department of~~
172 ~~Highway Safety and Motor Vehicles, and local authorities.~~

173 Reviser's note.-This act amends or repeals provisions of the

174 Florida Statutes pursuant to the directive of the

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175 Legislature in s. 9, ch. 2012-116, Laws of Florida,
176 codified as s. 11.242(5)(j), Florida Statutes, to prepare a
177 reviser's bill to omit all statutes and laws, or parts
178 thereof, which grant duplicative, redundant, or unused
179 rulemaking authority.

180 Section 13. This act shall take effect on the 60th day
181 after adjournment sine die of the session of the Legislature in
182 which enacted.