

CHAPTER 2012-6

House Bill No. 7009

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

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

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 Paragraph (b) of subsection (5) of section 216.292, Florida Statutes, is repealed.

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

Section 2. Paragraph (b) of subsection (7) of section 255.503, Florida Statutes, is repealed.

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

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 Subsection (4) of section 288.1088, Florida Statutes, is repealed.

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

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 Paragraphs (n) and (p) of subsection (1) of section 339.08, Florida Statutes, are repealed.

Reviser's note.—The cited paragraphs, which relate to expenditure of moneys in the State Transportation Trust Fund for a multicounty transportation or expressway authority created under chapter 343 or chapter 348, where jurisdiction for the authority includes a portion of the State Highway System and the administrative expenses are in

furtherance of the duties and responsibilities of the authority in the development of improvements to the State Highway System, and to pay for county and school district transportation infrastructure improvements, respectively, expired pursuant to their own terms, effective July 1, 2011.

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

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

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

Reviser's note.—The cited subsection, which provides a limited exemption from local government regulation for certain nonpublic sector buses engaged solely in intercounty transportation, or engaged in intracity transportation routes if the owner can establish that the bus route has been operated continuously from January 1, 1990, through April 1, 1991, and such intracity transportation has been conducted in compliance with applicable safety rules and regulations promulgated under s. 316.70, the partial exemption to be limited to routes maintained continuously from January 1, 1990, through April 1, 1991, expired by its own terms effective April 1, 2011, or 10 years after any change in ownership of such bus, whichever occurs first.

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

373.079 Members of governing board; oath of office; staff.—

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

(a) An executive director, ombudsman, and such engineers, other professional persons, and other personnel and assistants as it deems necessary and under such terms and conditions as it may determine and to terminate such employment. The appointment of an executive director by the governing board is subject to approval by the Governor and must be initially confirmed by the Senate. The governing board may delegate all or part of its authority under this paragraph to the executive director. However, the governing board shall delegate to the executive director all of its

authority to take final action on permit applications under part IV or petitions for variances or waivers of permitting requirements under part IV.

1. The executive director may execute such delegated authority through designated staff members. Such delegations shall not be subject to the rulemaking requirements of chapter 120. The governing board must provide a process for referring a denial of such application or petition to the governing board for the purpose of taking final action. The executive director must be confirmed by the Senate upon employment and must be confirmed or reconfirmed by the Senate during the second regular session of the Legislature following a gubernatorial election.

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

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

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

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

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

Reviser's note.—The cited subsections, which relate to prohibition on use of state and federal funds for food, beverages, and entertainment for members, staff, or employees of regional workforce boards, Workforce Florida, Inc., or the Agency for Workforce Innovation except as expressly authorized by state law, and requires boards to comply with specified section requirements before contracting with a member of the regional workforce board and to submit the contracts and related documentation to the Agency for Workforce Innovation for review and recommendation, expired pursuant to their own terms, effective July 1, 2011.

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

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

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

Reviser's note.—The cited paragraph, which authorizes an appropriation of less than \$50,000 for incentive grants for regional consortium service organizations consisting of four or more school districts for the 2010-2011 fiscal year, expired pursuant to its own terms, effective July 1, 2011.

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

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

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

1004.648 Florida Energy Systems Consortium.—

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

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

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

Approved by the Governor February 24, 2012.

Filed in Office Secretary of State February 24, 2012.