

CHAPTER 2017-5

Senate Bill No. 506

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

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

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

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

(2) With respect to the exercise of eminent domain or a negotiated sale for the purchase or taking of a portion of the common elements of a condominium, the condemning authority shall have the responsibility of contacting the condominium association and acquiring the most recent rolls indicating the names of the unit owners or contacting the appropriate taxing authority to obtain the names of the owners of record on the tax rolls. Notification shall be sent by certified mail, return receipt requested, to the unit owners of record of the condominium units by the condemning authority indicating the intent to purchase or take the required property and requesting a response from the unit owner. The condemning authority shall be responsible for the expense of sending notification pursuant to this section. Such notice shall, at a minimum, include:

- (a) The name and address of the condemning authority.
- (b) A written or visual description of the property.
- (c) The public purpose for which the property is needed.
- (d) The appraisal value of the property.
- (e) A clear, concise statement relating to the unit owner's right to object to the taking or appraisal value and the procedures and effects of exercising that right.
- (f) A clear, concise statement relating to the power of the association to convey the property on behalf of the unit owners if no objection to the taking or appraisal value is raised, and the effects of this alternative on the unit owner.

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

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

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

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

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

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

250.116 Soldiers and Airmen Assistance Program.—

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

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

250.40 Armory Board; creation; membership, terms, and compensation; duties and responsibilities.—

(5) The Armory Board must:

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

1. Any contributions of money, any moneys derived from the rental of armories and other facilities, the armory-operations allowances provided in s. 250.20, and all money collected through fines imposed by a court-martial or nonjudicial proceeding of the Florida National Guard, as provided in s.

250.36(5), shall be received on behalf of the Armory Board by the post commander of such facility and must be deposited into a federal depository, approved by the Department of Military Affairs, in an account in a banking institution in the county in which such facility is located.

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

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

~~(f) Adopt rules for managing armories and other facilities under the control of the Department of Military Affairs. The rules must ensure that federal and state military property is secure. Each unit commander shall provide for the safekeeping, accountability, and proper care of such property and for its protection against misappropriation or loss. An armory, while it is occupied and in use by troops, is a military post and must be under the control and jurisdiction of the post commander. A building that is not under the control and supervision of the post commander or other properly constituted military authority may not be used to house or train troops or to store military property.~~

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

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

(3) All public libraries are encouraged to adopt an Internet safety education program, including the implementation of a computer-based educational program, which has been endorsed by a government-sanctioned law enforcement agency or other reputable public safety advocacy organization and is designed for children and adults. The purpose of the Internet safety education program is to promote the use of prudent online department

and broaden awareness of online predators. The program must be interactive and age-appropriate. Each library shall annually report to the division the annual number of program participants who complete the Internet safety education program. By April 1, 2010, the division shall reward ~~adopt rules for rewarding~~ those libraries in the program grant application process which have had 1 percent or more of their annual number of program participants, based on the total number of registered borrowers from the preceding year, complete the Internet safety education program adopted by the library. Program participants completing the program as a result of strategic partnerships or collaboration between the library and other entities shall be integrated into the library's annual report. The division shall ~~adopt rules to~~ allocate 10 percent of the total points available in the library services and technology grant application evaluation process to public libraries that are in compliance with this section, beginning with the grant application cycle for the 2011-2012 fiscal year.

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

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

(3) PARTNERSHIPS IN PARKS.—

(b) The Legislature may annually appropriate funds from the Land Acquisition Trust Fund for use only as state matching funds, in conjunction with private donations in aggregates of at least \$60,000 matched by \$40,000 of state funds for a total minimum project amount of \$100,000 for capital improvement facility development at state parks, at either individually designated parks or for priority projects within the overall state park system. Not more than 30 percent of the Land Acquisition Trust Fund unencumbered fund balance or \$3 million, whichever is less, shall be reserved, available annually for matching private donations. The amount held in reserve for the state match will be no greater than \$6 million for any fiscal year. State funds from the Land Acquisition Trust Fund or other appropriate funding sources shall be used for matching private donations for 40 percent of the projects' costs. Funds held in reserve for the purposes of this subsection shall be available only after the requirements of s. 375.041(4) are met. Citizen support organizations organized and operating for the benefit of state parks may acquire private donations pursuant to this section, and matching state funds for approved projects may be provided in accordance with this subsection. The department is authorized to properly recognize and honor a private donor by placing a plaque or other appropriate designation noting the contribution on project facilities or by naming project facilities after the person or organization that provided matching funds. ~~The department is authorized to adopt necessary administrative rules to carry out the purposes of this subsection.~~

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

258.15 St. Michael’s Cemetery designated a state park.—

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

Section 9. Subsection (11) of section 261.06, Florida Statutes, is amended to read:

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

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

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

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

(2) USE OF ADMINISTRATIVE SERVICES AND PROPERTY.—

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

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

267.075 The Grove Advisory Council; creation; membership; purposes.

(4)

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

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

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

(4)

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

- 1. Enter into agreements to accept credit card payments as compensation, and establish accounts in credit card banks for the deposit of credit card sales invoices.
- 2. Fix and collect charges for admission to any of the state-owned facilities governed by this section.
- 3. Permit the acceptance of tour vouchers issued by tour organizations or travel agents for payment of admissions.
- 4. Adopt and enforce reasonable ~~rules, regulations, or~~ policies to govern the conduct of the visiting public.

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

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

(4)

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

- 1. Enter into agreements to accept credit card payments as compensation and establish accounts in credit card banks for the deposit of credit card sales invoices.
- 2. Fix and collect charges for admission to any of the state-owned facilities under contract with the Board of Trustees of the Internal Improvement Trust Fund.
- 3. Permit the acceptance of tour vouchers issued by tour organizations or travel agents for payment of admissions.
- 4. ~~Adopt and enforce reasonable rules to govern the conduct of the visiting public.~~

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

288.1082 Economic Gardening Technical Assistance Pilot Program.—

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

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

288.774 Powers and limitations.—

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

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

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

288.776 Board of directors; powers and duties.—

(3) The board shall:

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

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

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

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

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

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

b. No conventional source of lender support is available for the business from public or private financing sources.

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

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

311.07 Florida seaport transportation and economic development funding.—

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

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

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

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

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

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

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

Section 20. 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 April 5, 2017.

Filed in Office Secretary of State April 5, 2017.