

CHAPTER 2019-5

Senate Bill No. 8

An act relating to the Florida Statutes; amending ss. 252.90, 252.939, 253.126, 260.0144, 287.0572, 295.187, 310.102, 310.142, 310.183, 316.29545, and 316.304, F.S.; and repealing s. 316.611, 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 (1) of section 252.90, Florida Statutes, is amended to read:

252.90 Commission and committee duties.—

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

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

252.939 Fees.—

(1)

(c) The division shall establish a fee schedule by rule for the specified stationary sources, upon the advice and consent of the commission. The annual registration fee must be based on a stationary source's highest program level, as determined under the federal implementing regulations for s. 112(r)(7) and may not exceed the following:

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

2. Program 2 Stationary Sources \$200. Multiple Program 2 stationary sources which are under common ownership and which have the same single chemical process, shall pay a full fee for the first three stationary source locations and a 50 percent fee for subsequent locations with no owner of such

multiple stationary sources paying more than \$2,000. Multiple Program 2 stationary sources which are under common ownership and which are classified under one of the following Standard Industrial Classification group numbers 01, 02, or 07 shall pay a full fee, not to exceed \$100 for the first stationary source location and a 50 percent fee for subsequent locations with no owner of such multiple stationary sources paying more than \$800. To be eligible for these multiple stationary source fee provisions, one single fee payment must be submitted by the owner of the eligible multiple stationary source locations with a listing of the multiple stationary source locations and the chemical process.

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

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

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

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

~~(1) Notwithstanding any other provision of this chapter, the Department of Environmental Protection may authorize, by rule, the Department of Transportation to perform any activity covered by this chapter, upon certification by the agency that it will meet all requirements imposed by statute, rule, or standard for environmental control and protection as such statute, rule, or standard applies to a governmental program. To this end, the department may accept such certification of compliance for programs of the agency, conduct investigations for compliance, and, if a violation is found to exist, take all necessary enforcement action pertaining thereto, including, but not limited to, the revocation of certification. The authorization shall be by rule of the department, shall be limited to the maintenance, repair, or replacement of existing structures, and shall be conditioned upon compliance by the agency with specific guidelines or requirements which are set forth in the formal acceptance and deemed necessary by the department to assure future compliance with this chapter and applicable department rules. Failure of the agency to comply with any provision of the written acceptance shall constitute grounds for its revocation by the department.~~

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

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

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

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

287.0572 Present-value methodology.—

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

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

295.187 Florida Veteran Business Enterprise Opportunity Act.—

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

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

310.102 Treatment programs for impaired pilots and deputy pilots.—

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

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

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

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

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

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

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

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

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

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

316.304 Wearing of headsets.—

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

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

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

Reviser's note.—This act 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 13. 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 3, 2019.

Filed in Office Secretary of State April 3, 2019.