

CHAPTER 79-7

House Bill No. 646

An act relating to the Florida Statutes; amending ss. 13.9982(2) (h), 13.9988(2) (a), 20.18(5)(a), 112.044- (2) (d), 222.15(2), 232.07(5), 232.17(2) (f), 409.255(2), 443.11(1) (b), 443.13(1),446.011,446.021(2), 446.031- (1), 446.075, 447.02(3), 447.04(2) (a), 447.06(1); 447.12, 447.16, 447.205(1), (3) ,(4), 449.04, 450.271, 450.28(2), 450.41, and 944.551(1), Florida Statutes, ss. 20.17, 20.315(10)(a), 120.57(1) (a), 215.19(1) (b), 230.66(2)(a), 440.02(8), 440.13(3) (b),(c), 440.25- (3) (d), 440.44(2), (6), 440.48, 440.59, 443.03(16), 443.07(4) (b) -(e),(5)(b), 443.12(1),(7),(8),443.15- (2)(a), 446.041(1),(2)(a),(c),(3), 446.101(2) (g), 450.061(2), and 553.19(6), Florida Statutes (1978 Supplement), and s. 20.171, Florida Statutes (1978 Supplement), enacted as ss. 2 and 3 of chapter 78-201, Laws of Florida, and reenacting s. 443.16(2) (a), (d), Florida Statutes, and ss. 443.06(6), 443.07(3) (b) ,(c),- (4) (a), 443.12(9), (10), and 443.15(3) (f), Florida Statutes (1978 Supplement); conforming such sections to chapter 78-201, Laws of Florida, which created the Department of Labor and Employment Security, transferred the Divisions of Labor and Employment Security and the Public Employees Relations Commission and the Industrial Relations Commission from the Department of Commerce to the Department of Labor and Employment Security, and renamed the Board of Review as the Unemployment Appeals Commission and transferred it from the Department of Commerce to the Department of Labor and Employment Security; deleting transfer provisions which have had their effect; making a grammatical correction; and incorporating implied amendments resulting from the creation of the Board of Review by chapter 77- 399, Laws of Florida.

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

Section 8. Paragraph (a) of subsection (1) of section 120.57, Florida Statutes (1978 Supplement), is amended to read:

120.57 Decisions which affect substantial interests. –The provision of this section shall apply in all proceedings in which the substantial interests of a party are determined by an agency. Unless waived by all parties, subsection (1) shall apply whenever the proceeding involves a disputed issue of material fact. Unless otherwise agreed, subsection (2) shall apply in all other cases.

(1) FORMAL PROCEEDINGS.--

(a) A hearing officer assigned by the division shall conduct all hearings under this subsection, except for:

1. Hearings before agency heads or a member thereof other than an agency head or a member of an agency head within the Department of Professional and Occupational Regulation;

2. Hearings before the Unemployment Appeals Commission Board of Review in unemployment compensation appeals, unemployment compensation appeals referees, special deputies pursuant to s. 443.15, and the Public Service Commission or its examiners;

3. Hearings regarding drivers' licensing pursuant to chapter 322;

4. Hearings conducted within the Department of Health and Rehabilitative Services in the execution of those social and economic programs administered by the former Division of Family Services of said department prior to the reorganization effected by chapter 75- 48, Laws of Florida;

5. Hearings in which the division is a party, in which case an attorney assigned by the Administration Commission shall be the hearing officer;

6. Hearings which involve student disciplinary suspensions or expulsions and which are conducted by educational units; ~~and~~

7. Hearings of the Public Employees Relations Commission in which a determination is made of the appropriateness of the bargaining unit, as provided in s. 447.307; ~~and~~;

8. Hearings held by the Department of Agriculture and Consumer Services pursuant to chapter 601.

Note.--In addition to conforming the name of the Board of Review to its new name, the amendments to this subsection include a grammatical change.