

# CHAPTER 81-259

## Senate Bill No. 730

An act relating to the Florida Statutes; amending ss. 11.13(1)(a), 11.142, 11.148(10), 11.246(2)(f), 16.01(3), 20.14(2), 20.15(5),(6), 20.171(2), 20.19(9), 20.30(4), 23.015, 23.152(3)(a),(f),(8), 25.073(2), 25.122, 25.291, 28.2401(1)(a), 29.04(1), 30.30(1), 30.49(9),38.07,43.19(1),(4),43.20(2), 43.29(3), 48.195, 61.052(1)(b), 83.802(2), 90.509, 92.141, 99.012(7), 101.692(3), 102.012(9), 106.025(1)(c),(2)(c),(q), 106.07(4)(m), 106.1405, 114.05(1)(a), (c),(e), 121.021(8),(34), 121.051(2)(b), 121.22(2), 123.05(1),(2), 123.41, 153.77, 163.01(9)(a), 163.3194(3)(a),163.358(4), 165.031, 170.08, 171.031(11), 177.502, 189.005(1), 189.008(1), 195.087(1)(a), 201.21, 206.055(1)(c), 206.07, 206.075(4), 206.08(1), 206.10, 206.11(2), 206.13, 206.19, 206.31, 206.35(1), 206.41(2)(b),(4)(b), 206.47(11), 206.59(2), 206.875(1), 206.88, 210.04(4)(a), 211.31, 212.05(6), 215.321, 229.512(7), 229.555(1)(b),(2), 229.814(5), 230.201, 230.23{6}, 230.66(3),(4),(5),(6), 235.42(1),(2),(10), 238.01(6), (14), (15), 238.11(2)(a), 240.115(2), 240.133(3), 240.219, 240.241(3),(10), 240.243(2), 240.277,240.307(1), 240.311(1)(b),(2), 240.313(3),(4), 240.315, 240.319(1),(3)(h), 240.343, 240.449, 240.513(3)(d), 253.023(3)(a), 253.025(5)(a),(7), 255.249(1), 258.024(2)(a), 267.0617(1), 283.04, 283.10(2), 283.28, 284.34, 284.38, 284.50(1)(d), 286.24, 288.503(13), 298.401(2),(3), 309.01(1), 310.002(3),(9), 310.011, 310.021(1), 310.131, 318.14(1), 319.22(2), 319.30(6), 320.36(1), 322.21(2),(5), 322.25(5), 325.22(1), 334.14(1),(2), 339.301(1), 348.217(7), 349.03(3), 349.04(3), 370.02(1), 372.001(11), 372.16(4), 372.5712(1), 372.73, 373.303(3), 373.309(4), 373.609, 374.761, 374.92(4), 380.05(18), 380.055(4), 382.19, 384.061, 388.43(2), 392.07(1),(2), 393.16(6), 395.0653(1), 395.507(1), 395.514, 400.021(12), 400.191(1)(e), 400.25, 400.261, 400.601(3), 401.23(14),(15), 401.35(5), 403.086(2), 403.121(2)(a), 409.506, 440.185(8), 440.37(2)(b), 440.39(1), 440.51(3), 446.011(2), 446.052(2),(3), 455.217(2), 455.221(2), 455.225(4),(7), 458.303(1), 458.307(3), 458.311(2), (3), 458.315(1), 458.317(1)(d), 458.321(3), 458.329, 458.331(2)(f), 458.333(4), 458.335(4),(5), 458.343, 458.347(6), 459.002(2), 459.009(3), 459.014, 459.0153(4), 459.0154(4),(5), 459.019, 459.022(6)(a), 460.409(3), 460.412, 460.413(2)(f), 461.008(3), 463.002(5), 463.008(3), 463.011, 463.014(2), 464.014(3), 464.017, 464.018(1)(f),(2)(e), 465.003(7), 465.012(3); 465.016(1)(k),(2)(e), 465.025(5), 465.185(2), 466.015(3), 466.017(3)(d), 466.027, 466.028(3), 468.1725(2),(3), 468.1735, 468.203(1), 470.002(19),(20), 470.016(3), 470.024(4),(9), 470.029, 471.013(2)(a), 471.019(3), 472.019(3), 472.021(1), 472.027, 473.312, 473.313(3), 473.314(4), 474.212(3), 475.181(2), 475.183(2),(3), 477.024, 481.209(2)(a), 481.315(1), 484.009(3), 486.021(4), 486.031(3)(b), 486.051(1), 486.104, 486.121, 486.172, 489.111(3)(a), 489.129(1)(1), 489.131, 489.519(3), 489.537, 494.041, 494.072(3), 498.005(17), 498.025(4), 498.027(1)(h), 498.045(1), 498.055, 500.1515, 504.012(2), 509.221(6), 509.241(1),

517.011, 517.101(1), 517.161(1)(q), 517.171, 517.191(1),(3), 517.302, 517.311(3), 517.32, 534.081(1), 550.03(2)(b), 550.164(3), 564.06(8), 581.186(1), 585.155(3), 601.159(3)(e), 607.111(6), 623.01, 624.507, 627.356(1)(b), 627.679(2), 627.826(2), 631.715(1), 631.718(2)(a), 631.724, 679.402(3)(c), 679.403(4), 687.12(1), 717.19, 718.501(1), 719.501(1), 741.30, 767.05, 775.011(2), 817.234(1)(a),(2), 827.07 (1), (2)(b), (h), (1), (10)(q), (12),(14),(15)(a),(e), (17), 849.093(3), 893.13(3)(b), 917.012(1)(b), 925.035(4), 940.05, 945.12(1), 947.165, 951.21(3), 951.23(3),(4)(a), and 959.011(1),(4),(5),(8), Florida Statutes, and ss. 11.6115(3)(a), 23.055(1), 25.251(1), 26.012(1),(2)(f), 39.02(1), 39.12(4), 55.03, 90.6063(7), 95.031, 98.081(1), 98.211(1), 101.21(2), 106.141(5)(b),(6), 111.07, 120.57(1)(a), 161.052(10), 161.053(12), 166.051, 170.09, 171.0413{5}, 190.015, 190.023(4), 190.037, 190.041,196.012(13),(14)(b), 206.974(2), 206.975(2)(b), 206.979(2), 206.985(1), 206.995, 208.001(2)(a), 208.002, 208.004(2),(5), 208.005, 212.04(2)(b), 212.08(5)(c), 212.15(2)(a),215.431(1), 215.47(1), 218.23(1), 218.385(5), 220.03(1)(i), (m), (p), 220.183(5)(c), 228.062, 231.261(6)(b),(9), 233.063(1), 233.0677(2), 233.25(3)(b), 240.296(6)(a), 240.402(1)(b), 240.515(2)(a), 244.07(2), 250.482, 253.034(2),(4), 287,042(8), 288.03(23),(25), 288.606(1), 316.525(1), 316.545(6),(8)(b), 316.630(4)(a), 316.650(2), 318.18(2),(3), 320.77(3), 320.865, 351.005(1), 364.05(1),(3), 364.17, 365.05(1), 366.11(1), 367.123, 370.021(4), 370.10(2), 373.073(1), 373.536(1), 381.493(3)(s), 381.494(1)(c), 381.495(4), 394.4674(1), 400.23(3)(b),(d),(g), 400.419(1)(a),(6), 400.422(9), 403.523(11), 403.531(3), 403.703(24), 403.723(5), 409.266(7)(g),(9), 410.0241(5),(6), 421.05(1), 427.013 (11) (b), 440.15(1) (e), (2) (b), 440.20(12)(b), 440.271, 443.036(16)(c), 443.141(2)(b), 455.219, 459.015(2)(f), 461.014(3),(5), 468.323(2), 468.329, 474.214, 477.019(1)(b), 481.329(5), 489.105(3)(f),(g),(i),(11), 493.301(1)(h),500.1516, 501.1375(3), 502.055, 516.20(2), 517.301, 520.02(8), 527.02(1),(2), 527.062(1), 550.13(1)(b), 550.162(2), 551.06(5), 559.408(1), 559.43 (2), 559.441(3) (b), (e), 559.482(4), 562.11(1)(b).. 581.131, ~86.14, 626.99(3)(f),(h), (4)(a),(6), 627.066(11)(a), 627.215(9)(a), 627.667(5), 627.674{2}(a),(3)(d),(j), 629.401(6)(b)10.,55., 633.521(6), 651.026(7)(b), 655.016, 655.037(6), 655.049, 655.057(5), 657.027(1)(c), 657.043(4)(e), 657.064(4), 658.12(4), (7), (11), (13), (14), (15), (17), (20), 658.14(6),(7), 658.19(1)(d), 658.22(1), 658.32, 658.46(5), 658.60(1), 658.62(2), 658..65(1)(b), 658.67(4)(d),(7)(a), 658.70(1)(b), 658.73(4), 658.86, 658.99(1),(2)(a), 660.25(6), 660.41(8), 661.46, 661.48(2),(3), 663.06(2), 663.11, 664.07(1)(b),(c),(d), 665.012(17), 665.028(1)(c), 665.0701(2)(b),. 713..585(2), 718.612(4)(b), 719.612(4)(b), 768.135, 806.14(2), 810.13(6), 893.135(1)(d), 943.0525, 943.43(1), 959.12, 960.03, and 960.06(1)(a), Florida Statutes (1980 Supplement); repealing ss. 11.242(5)(1), 20.01, 20.33, 28.091, 28.222(6), 34..023, 73.171, 153.95, 212.091, 212.141, 215.22(12), (13), (14), (15),(19), 229.805(4), 240.373, 240.415(3), 240.43'7(4),(5), 270.12, 270.13, 270.14, 270.15, 310.135, 320.8255(4), 344.25, 350.01(3), 364.44, 373.073(3), 373.074, 373.543(1),

401.33(2), 402.07(2),(6),(7),(8),403.045,403.414(1), 403.711, 489.107(7), 601.159(13), 658.051, 659.561, 659.562, 659.563, 659.564, 659.565, 947.135(5), 947.172(4)(c), and 959.06(l), Florida Statutes, and ss. 661.55(4) and 960.08, Florida Statutes (1980 Supplement); and reenacting ss. 120.63(2)(a), 215.195(4), 475.452, and 475.4835, Florida Statutes, and ss. 474.215, 489.127(1), and 627.736(4), Florida Statutes (1980 Supplement), pursuant to s. 11.242, Florida Statutes; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross references; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; correcting errors in the editing, publishing, and printing of the Florida Statutes; confirming the restoration of provisions inadvertently omitted from republication in the amendatory process and of provisions inadvertently repealed through neglect to nullify prior repeals in the regulatory review process; and deleting language stricken from the laws of Florida pursuant to court order.

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

Section 57. Paragraph (a) of subsection (1) of section 120.57, Florida Statutes (1980 Supplement), is amended to read:

120.57 Decisions which affect substantial interests.--The provisions 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 in unemployment compensation appeals, unemployment compensation appeals referees, and special deputies pursuant to s. 443.141;

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;

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.--Amended to conform the name of the department to s. 2, ch. 79-36, Laws of Florida, which changed the name of the Department of Professional and Occupational Regulation to Department of Professional Regulation.

Section 58. Paragraph (a) of subsection (2) of section 120.63, Florida Statutes, is reenacted to read:

120.63 Exemption from act; Division of Pari-mutuel Wagering.--

(2) The commission may not exempt an agency from any requirement of this act pursuant to this section until it establishes alternative procedures to achieve the agency's purpose which shall be consistent, insofar as possible, with the intent and purpose of the act.

(a) Prior to the granting of any exemption authorized by this section, the commission shall hold a public hearing after notice given as provided in subsection 120.54(1). Upon the conclusion of the hearing, the commission, through the Executive Office of the Governor, shall issue an order specifically granting or denying the exemption and specifying any processes or proceedings exempted and the extent of the exemption; transmit to the committee and to the Department of State a copy of the petition, a certified copy of the order granting or denying the petition, and a copy of any alternative procedures prescribed; and give notice of the petition and the commission's response in the Florida Administrative Weekly.

Note.--This reenactment serves to confirm the existence of that portion of paragraph (2)(a) beginning after the word "specifying" which portion appears to have been inadvertently omitted from republication when s. 120.63(2)(a) was amended by s. 87, ch. 79-190, Laws of Florida. See Senate Amendment 21 to C.S. for H.B.'s 1604 and 1649, 1979 Senate Journal, pp. 859, 860.