

# Chapter 94-218

## Committee Substitute for Senate Bill. No. 2654

AN ACT relating to business, professional, and occupational regulation; amending s. 11.62, F.S., relating to legislative review of proposed regulation of unregulated functions; providing that the proponents of legislation that provides for regulation of a profession or occupation not already subject to state regulation must furnish specified information to the state agency that is proposed to have jurisdiction over the regulation; amending s. 20.165, F.S.; revising the organizational structure of the Department of Business and Professional Regulation; amending s. 120.57, F.S.; clarifying that the requirements for formal administrative proceedings for the department and boards within the department apply only with respect to professional regulation; amending s. 215.37, F.S.; clarifying that the requirements for depositing fees into the Professional Regulation Trust Fund and the payment of service charges with respect thereto apply only with respect to professional regulation by the department and the boards within the department; creating s. 455.017, F.S.; providing for applicability of ch. 455, F.S., only to the regulation of professions by the department; amending ss. 20.42, 24.108, 83.49, 110.205, 154.04, 190.009, 192.037, 205.065, 205.194, 210.01, 210.021, 210.151, 210.20, 210.25, 210.31, 210.405, 210.75, 212.08, 213.053, 216.0165, 229.8075, 231.262, 240.4075, 253.025, 255.565, 282.1095, 309.01, 310.002, 310.011, 326.002, 337.162, 370.07, 381.0036, 381.0039, 381.004, 381.0065, 381.0072, 386.203, 394.907, 395.3025, 397.419, 397.451, 399.01, 400.211, 400.414, 400.506, 402.48, 403.0877, 403.708, 403.7197, 409.905, 415.107, 415.51, 440.02, 455.11, 455.201, 455.203, 455.205, 455.208, 455.209, 455.211, 455.217, 455.2175, 455.218, 455.219, 455.221, 455.2224, 455.223, 455.224, 455.225, 455.227, 455.2273, 455.2275, 455.228, 455.2285, 455.229, 455.232, 455.241, 455.243, 455.245, 455.26, 455.303, 455.304, 455.306, 455.307, 455.309, 457.102, 457.103, 458.305, 458.307, 458.3125, 458.320, 458.346, 458.347, 459.003, 459.004, 459.0085, 459.022, 460.403, 460.404, 460.4104, 461.003, 461.004, 462.01, 463.002, 463.003, 464.003, 464.004, 465.003, 465.004, 465.017, 466.003, 466.004, 467.003, 467.004, 468.1125, 468.1135, 468.1315, 468.1655, 468.1665, 468.352, 468.382, 468.384, 468.385, 468.392, 468.401, 468.413, 468.431, 468.453, 468.503, 468.520, 468.521, 468.530, 468.542, 468.603, 468.605, 471.005, 471.007, 472.005, 472.007, 473.302, 473.303, 474.202, 474.204, 475.01, 475.02, 475.045, 475.455, 475.611, 476.034, 476.054, 477.013, 477.015, 478.42, 480.033, 480.035, 481.203, 481.205, 481.303, 481.305, 483.803, 483.805, 484.002, 484.003, 484.041, 484.042, 486.021, 486.023, 487.0437, 489.105, 489.107, 489.113, 489.505, 489.507, 489.516, 490.003, 490.004, 491.003, 491.004, 492.101, 492.102, 492.103, 498.005, 499.028, 499.051, 500.10, 500.12, 509.013, 509.2112, 509.291, 548.003, 550.002, 550.0251, 550.135, 559.79, 559.791, 559.927, 561.02, 561.025, 561.111, 561.17, 561.29, 561.42, 561.68, 561.703, 562.44, 565.02, 569.002, 616.265, 626.989, 627.7842, 627.912, 633.70, 641.55, 713.06, 713.135, 718.111, 718.1255, 718.501, 718.5019, 718.508, 719.104, 719.1255, 719.501, 719.508, 721.05, 721.13, 723.003, 765.110, 766.101, 766.106, 766.1115, 766.308, 766.314, 828.055, 832.06, 849.094, 859.061, 865.09, 877.06, 893.035, F.S.; amending s. 399.035, revising the application of the provision; repealing s. 455.236(3)(c), F.S.; conforming

these provisions to the merger of the Department of Professional Regulation and the Department of Business Regulation into a single department by a 1993 law; reconciling certain differences arising from 1992 amendatory laws; deleting obsolete provisions; revising cross-references; requiring a study and report by the department related to specified

120.57. Decisions which affect substantial interests - The provisions of this section apply in all proceedings in which the substantial interests of a party are determined by an agency, unless such proceedings are exempt pursuant to subsection (5). Unless waived by all parties, subsection (1) applies whenever the proceeding involves a disputed issue of material fact. Unless otherwise agreed, subsection (2) applies 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 ~~except other than an agency head or a member of an agency head~~ within the secretary of the Department of Business and Professional Regulation for matters relating to the regulation of professions, as defined in chapter 455, or a board or member of a board within the Department of Business and Professional Regulation for matters relating to the regulation of professions, as defined in chapter 455;

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;

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

9. Hearings held by the Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles to deny, suspend, or remove a wrecker operator from participating in the wrecker rotation system established by s. 321.051. Such hearings shall be held by a hearing officer appointed by the director of the Division of Florida Highway Patrol.