

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Representative(s) Spratt offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Subsection (4) of section 370.06, Florida Statutes, is amended to read:

370.06 Licenses.--

(4) SPECIAL ACTIVITY LICENSES.--

(a) Any person who seeks to use special gear or equipment in harvesting saltwater species must purchase a special activity license as specified by law to engage in such activities. The department may issue special activity licenses, in accordance with s. 370.071, to permit the cultivation of oysters, clams, mussels, and crabs when such aquaculture activities relate to quality control, sanitation, and public health regulations. ~~The department may prescribe by rule special terms, conditions, and restrictions for any special activity license.~~

(b) The department is authorized to issue special

Amendment No. ____ (for drafter's use only)

1 activity licenses in accordance with this section and s.
2 370.31, to permit the importation, possession, and aquaculture
3 of anadromous sturgeon. The special activity license shall
4 provide for best management practices to prevent the release
5 and escape of cultured anadromous sturgeon and to protect
6 indigenous populations of saltwater species from
7 sturgeon-borne disease.

8 (c) The department is authorized to issue special
9 activity licenses in accordance with ss. 370.06, 370.071, and
10 370.101, aquaculture permit consolidation procedures in s.
11 370.26(3)(a) and rules of the Marine Fisheries Commission to
12 permit the capture and possession of saltwater species
13 protected by law and used as stock for artificial cultivation
14 and propagation.

15 (d) The department is authorized to adopt rules to
16 govern the administration of special activities licenses as
17 provided in this chapter and rules of the Marine Fisheries
18 Commission. Such rules may prescribe application requirements
19 and terms, conditions, and restrictions for any such special
20 activity license requested pursuant to this section.

21 Section 2. Paragraph (c) of subsection (1) of section
22 370.12, Florida Statutes, is amended to read:

23 370.12 Marine animals; regulation.--

24 (1) PROTECTION OF MARINE TURTLES.--

25 (c)1. Unless otherwise provided by the federal
26 Endangered Species Act or its implementing regulations, no
27 person may take, possess, disturb, mutilate, destroy, cause to
28 be destroyed, sell, offer for sale, transfer, molest, or
29 harass any marine turtle or its nest or eggs at any time. For
30 purposes of this subsection, "take" means an act which
31 actually kills or injures marine turtles, and includes

Amendment No. ____ (for drafter's use only)

1 significant habitat modification or degradation that kills or
2 injures marine turtles by significantly impairing essential
3 behavioral patterns, such as breeding, feeding, or sheltering.

4 2. Unless otherwise provided by the federal Endangered
5 Species Act or its implementing regulations, no person, firm,
6 or corporation may take, kill, disturb, mutilate, molest,
7 harass, or destroy any marine turtle.

8 3. No person, firm, or corporation may possess any
9 marine turtle, their nests, eggs, hatchlings, or parts thereof
10 unless it is in possession of a special permit or loan
11 agreement from the department enabling the holder to possess a
12 marine turtle or parts thereof for scientific, educational, or
13 exhibitional purposes, or for conservation activities such as
14 relocating nests, eggs, or animals away from construction
15 sites. Notwithstanding any other provisions of general or
16 special law to the contrary, the department may issue such
17 authorization to any properly accredited person for the
18 purpose of marine turtle conservation upon such terms,
19 conditions, and restrictions as it may prescribe by rule. The
20 department shall have the authority to adopt rules to permit
21 the possession of marine turtles pursuant to this paragraph.
22 For the purposes of this subsection, a "properly accredited
23 person" is defined as:

24 a. Students of colleges or universities whose studies
25 with saltwater animals are under the direction of their
26 teacher or professor;

27 b. Scientific or technical faculty of public or
28 private colleges or universities;

29 c. Scientific or technical employees of private
30 research institutions and consulting firms;

31 d. Scientific or technical employees of city, county,

Amendment No. ____ (for drafter's use only)

1 state or federal research or regulatory agencies;

2 e. Members in good standing or recognized and properly
3 chartered conservation organizations, the Audubon Society, or
4 the Sierra Club;

5 f. Persons affiliated with aquarium facilities or
6 museums, or contracted as an agent therefor, which are open to
7 the public with or without an admission fee; or

8 g. Persons without specific affiliations listed above,
9 but who are recognized by the department for their
10 contributions to marine conservation such as scientific or
11 technical publications, or through a history of cooperation
12 with the department in conservation programs such as turtle
13 nesting surveys, or through advanced educational programs such
14 as high school marine science centers.

15 Section 3. Paragraph (b) of subsection (5) of section
16 120.54, Florida Statutes, is amended to read:

17 120.54 Rulemaking.--

18 (5) UNIFORM RULES.--

19 (b) The uniform rules of procedure adopted by the
20 commission pursuant to this subsection shall include, but not
21 be limited to:

22 1. Uniform rules for the scheduling of public
23 meetings, hearings, and workshops.

24 2. Uniform rules for use by each state agency that
25 provide procedures for conducting public meetings, hearings,
26 and workshops, and for taking evidence, testimony, and
27 argument at such public meetings, hearings, and workshops, in
28 person and by means of communications media technology. The
29 rules shall provide that all evidence, testimony, and argument
30 presented shall be afforded equal consideration, regardless of
31 the method of communication. If a public meeting, hearing, or

Amendment No. ____ (for drafter's use only)

1 workshop is to be conducted by means of communications media
2 technology, or if attendance may be provided by such means,
3 the notice shall so state. The notice for public meetings,
4 hearings, and workshops utilizing communications media
5 technology shall state how persons interested in attending may
6 do so and shall name locations, if any, where communications
7 media technology facilities will be available. Nothing in this
8 paragraph shall be construed to diminish the right to inspect
9 public records under chapter 119. Limiting points of access to
10 public meetings, hearings, and workshops subject to the
11 provisions of s. 286.011 to places not normally open to the
12 public shall be presumed to violate the right of access of the
13 public, and any official action taken under such circumstances
14 is void and of no effect. Other laws relating to public
15 meetings, hearings, and workshops, including penal and
16 remedial provisions, shall apply to public meetings, hearings,
17 and workshops conducted by means of communications media
18 technology, and shall be liberally construed in their
19 application to such public meetings, hearings, and workshops.
20 As used in this subparagraph, "communications media
21 technology" means the electronic transmission of printed
22 matter, audio, full-motion video, freeze-frame video,
23 compressed video, and digital video by any method available.

24 3. Uniform rules of procedure for the filing of notice
25 of protests and formal written protests.

26 4. Uniform rules of procedure for the filing of
27 petitions for administrative hearings pursuant to s. 120.569
28 or s. 120.57. Such rules shall include:

29 a. The identification of the petitioner.

30 b. A statement of when and how the petitioner received
31 notice of the agency's action or proposed action.

Amendment No. ____ (for drafter's use only)

1 c. An explanation of how the petitioner's substantial
2 interests are or will be affected by the action or proposed
3 action.

4 d. A statement of all material facts disputed by the
5 petitioner or a statement that there are no disputed facts.

6 e. A statement of the ultimate facts alleged,
7 including a statement of the specific facts the petitioner
8 contends warrant reversal or modification of the agency's
9 proposed action.

10 f. A statement of the specific rules or statutes the
11 petitioner contends require reversal or modification of the
12 agency's proposed action.

13 g. A statement of the relief sought by the petitioner,
14 stating precisely the action petitioner wishes the agency to
15 take with respect to the proposed action.

16 ~~5.4.~~ Uniform rules of procedure for the filing and
17 prompt disposition of petitions for declaratory statements.

18 ~~6.5.~~ Provision of a method by which each agency head
19 shall provide a description of the agency's organization and
20 general course of its operations.

21 ~~7.6.~~ Uniform rules establishing procedures for
22 granting or denying petitions for variances and waivers
23 pursuant to s. 120.542.

24 Section 4. Paragraphs (c) through (l) of subsection
25 (2) of section 120.569, Florida Statutes, are renumbered as
26 paragraphs (e) through (n), respectively, and new paragraphs
27 (c) and (d) are added to said section, to read:

28 120.569 Decisions which affect substantial
29 interests.--

30 (2)

31 (c) Unless otherwise provided by law, a petition or

Amendment No. ____ (for drafter's use only)

1 request for hearing shall include those items required by the
2 uniform rules adopted pursuant to s. 120.54(5)(b)4. Upon the
3 receipt of a petition or request for hearing, the agency shall
4 carefully review the petition to determine if it contains all
5 of the required information. A petition shall be dismissed if
6 it is not in substantial compliance with these requirements or
7 it has been untimely filed. Dismissal of a petition shall, at
8 least once, be without prejudice to petitioner's filing a
9 timely amended petition curing the defect, unless it
10 conclusively appears from the face of the petition that the
11 defect cannot be cured. The agency shall promptly give
12 written notice to all parties of the action taken on the
13 petition, shall state with particularity its reasons if the
14 petition is not granted, and shall state the deadline for
15 filing an amended petition if applicable.

16 (d) The agency may refer a petition to the division
17 for the assignment of an administrative law judge only if the
18 petition is in substantial compliance with the requirements of
19 paragraph (c).

20 Section 5. Paragraphs (h), (i), (j), (k), and (l) of
21 subsection (1) of section 120.57, Florida Statutes, are
22 renumbered as paragraphs (j), (k), (l), (m), and (n),
23 respectively, and new paragraphs (h) and (i) are added to said
24 subsection, to read:

25 120.57 Additional procedures for particular cases.--

26 (1) ADDITIONAL PROCEDURES APPLICABLE TO HEARINGS
27 INVOLVING DISPUTED ISSUES OF MATERIAL FACT.--

28 (h) Any party to a proceeding in which an
29 administrative law judge of the Division of Administrative
30 Hearings has final order authority may move for a summary
31 final order when there is no genuine issue as to any material

Amendment No. ____ (for drafter's use only)

1 fact. A summary final order shall be rendered if the
2 administrative law judge determines from the pleadings,
3 depositions, answers to interrogatories, and admissions on
4 file, together with affidavits, if any, that no genuine issue
5 as to any material fact exists and that the moving party is
6 entitled as a matter of law to the entry of a final order. A
7 summary final order shall consist of findings of fact, if any,
8 conclusions of law, a disposition or penalty, if applicable,
9 and any other information required by law to be contained in
10 the final order.

11 (i) When, in any proceeding conducted pursuant to this
12 subsection, a dispute of material fact no longer exists, any
13 party may move the administrative law judge to relinquish
14 jurisdiction to the agency. In ruling on such a motion, the
15 administrative law judge may consider the pleadings,
16 depositions, answers to interrogatories, and admissions on
17 file, together with supporting and opposing affidavits, if
18 any. If the administrative law judge enters an order
19 relinquishing jurisdiction, the agency may promptly conduct a
20 proceeding pursuant to subsection (2), if appropriate, but the
21 parties may not raise any issues of disputed fact that could
22 have been raised before the administrative law judge. An
23 order entered by an administrative law judge relinquishing
24 jurisdiction to the agency based upon a determination that no
25 genuine dispute of material fact exists, need not contain
26 findings of fact, conclusions of law, or a recommended
27 disposition or penalty.

28 Section 6. Section 14.202, Florida Statutes, is
29 amended to read:

30 14.202 Administration Commission.--There is created as
31 part of the Executive Office of the Governor an Administration

Amendment No. ____ (for drafter's use only)

1 Commission composed of the Governor and Cabinet. The Governor
2 is chair of the commission. The Governor or Comptroller may
3 call a meeting of the commission promptly each time the need
4 therefor arises. Unless otherwise provided herein,
5 affirmative action by the commission shall require the
6 approval of the Governor and at least three other members of
7 the commission. The commission shall adopt ~~such~~ rules pursuant
8 to ss. 120.54 and 120.536(1) to implement provisions of law
9 conferring duties upon it ~~as it deems necessary to carry out~~
10 ~~its duties and responsibilities.~~

11 Section 7. Section 17.29, Florida Statutes, is amended
12 to read:

13 17.29 Authority to prescribe rules.--The Comptroller
14 has authority to adopt rules pursuant to ss. 120.54 and
15 120.536(1) to implement duties assigned by statute or the
16 State Constitution ~~may prescribe any rule he or she considers~~
17 ~~necessary to properly fulfill his or her constitutional and~~
18 ~~statutory duties.~~ Such rules may include, but are not limited
19 to, the following:

20 (1) Procedures or policies relating to the processing
21 of payments from salaries, other personal services, or any
22 other applicable appropriation.

23 (2) Procedures for processing interagency and
24 intraagency payments which do not require the issuance of a
25 state warrant.

26 Section 8. Section 18.22, Florida Statutes, is amended
27 to read:

28 18.22 Rules and regulations.--The department has
29 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
30 to implement ~~All rules and regulations necessary to effectuate~~
31 ~~the provisions of this chapter may be adopted by the~~

Amendment No. ____ (for drafter's use only)

1 ~~department in accordance with the provisions of chapter 120.~~

2 Section 9. Paragraph (k) of subsection (4) of section
3 20.171, Florida Statutes, is amended to read:

4 20.171 Department of Labor and Employment
5 Security.--There is created a Department of Labor and
6 Employment Security.

7 (4)

8 (k) The commission has authority to ~~shall, in~~
9 ~~accordance with chapter 120, adopt, promulgate, amend, or~~
10 ~~rescind such rules pursuant to ss. 120.54 and 120.536(1) to~~
11 implement provisions of law conferring duties upon it as it
12 ~~deems necessary and administratively feasible to carry out its~~
13 ~~responsibilities.~~

14 Section 10. Section 63.233, Florida Statutes, is
15 amended to read:

16 63.233 Rulemaking authority.--The department shall
17 adopt rules pursuant to ss. 120.54 and 120.536(1)to implement
18 the provisions of this chapter.

19 Section 11. Subsection (2) of section 175.341, Florida
20 Statutes, is amended to read:

21 175.341 Duties of Division of Retirement; rulemaking
22 authority; investments by the State Board of Administration.--

23 (2) The division has authority to ~~shall~~ adopt rules
24 pursuant to ss. 120.54 and 120.536(1) to implement the
25 provisions of ~~necessary for the administration of this~~
26 chapter.

27 Section 12. Paragraph (e) of subsection (2) of section
28 177.504, Florida Statutes, is amended to read:

29 177.504 Powers and duties of the department.--

30 (2) The functions, duties, and responsibilities of the
31 department shall be:

Amendment No. ____ (for drafter's use only)

1 (e) To adopt rules pursuant to ss. 120.54 and
2 120.536(1) and regulations necessary to implement the
3 provisions of ~~carry out the purpose of~~ this act.

4 Section 13. Subsection (2) of section 185.23, Florida
5 Statutes, is amended to read:

6 185.23 Duties of Division of Retirement; rulemaking;
7 investment by State Board of Administration.--

8 (2) The division has authority to ~~shall~~ adopt rules
9 pursuant to ss. 120.54 and 120.536(1) to implement the
10 provisions of ~~necessary for the administration of this~~
11 chapter.

12 Section 14. Section 198.08, Florida Statutes, is
13 amended to read:

14 198.08 Rules and regulations.--The department has
15 authority to adopt ~~may from time to time make such rules~~
16 pursuant to ss. 120.54 and 120.536(1) and regulations not
17 ~~inconsistent with this chapter as it may deem necessary to~~
18 enforce the provisions of this chapter and may adopt, as
19 rules, such rules and regulations as are ~~or may be~~ promulgated
20 with respect to the estate tax or generation-skipping transfer
21 tax provisions of the Revenue Act of the United States insofar
22 as they are ~~shall be~~ applicable hereto. The department may
23 from time to time prescribe such forms as it shall deem proper
24 for the administration of this chapter.

25 Section 15. Section 199.202, Florida Statutes, is
26 amended to read:

27 199.202 Administration of law; rules.--The department
28 shall administer and enforce the assessment and collection of
29 the taxes, interest, and penalties imposed by this chapter. It
30 may by rule prescribe the form and content of all returns and
31 reports. It has authority to adopt rules pursuant to ss.

Amendment No. ____ (for drafter's use only)

1 ~~120.54 and 120.536(1) is further authorized to promulgate all~~
2 ~~other rules not inconsistent with this chapter as it deems~~
3 ~~necessary to administer and enforce the provisions of this~~
4 ~~chapter.~~

5 Section 16. Subsection (1) of section 201.11, Florida
6 Statutes, is amended to read:

7 201.11 Administration of law by Department of
8 Revenue.--

9 (1) The administration of this chapter shall be vested
10 in the Department of Revenue, which has authority to adopt
11 rules pursuant to ss. 120.54 and 120.536(1) to enforce the
12 provisions of this chapter ~~shall prescribe suitable rules and~~
13 ~~regulations for the enforcement of the provisions thereof, and~~
14 shall administer and enforce the taxes levied and imposed by
15 this chapter. The Department of Revenue may enter upon the
16 premises of any taxpayer, and examine or cause to be examined
17 by any agent or representative designated by it for that
18 purpose, any books, papers, records, or memoranda bearing upon
19 the amount of taxes payable, and secure other information
20 directly or indirectly concerned in the enforcement of this
21 chapter. Any person, subject to this tax, who shall by any
22 practice or evasion make it difficult to enforce the
23 provisions of this chapter by inspection, or any person, agent
24 or officer, who shall, after demand by the department or any
25 agent or representative designated by it for that purpose,
26 refuse to allow full inspection of the premises or any part
27 thereof, or any books, records, documents, or other
28 instruments in any way relating to the liability of the
29 taxpayer for the tax herein imposed, or shall hinder or in
30 anywise delay or prevent such inspection, shall be guilty of a
31 misdemeanor of the second degree, punishable as provided in s.

Amendment No. ____ (for drafter's use only)

1 775.082 or s. 775.083.

2 Section 17. Subsection (2) of section 207.011, Florida
3 Statutes, is amended to read:

4 207.011 Inspection of records; hearings; forms;
5 rules.--

6 (2) The department has authority to adopt rules
7 pursuant to ss. 120.54 and 120.536(1) to enforce the
8 provisions of ~~shall have the authority to prescribe all rules~~
9 ~~necessary for the enforcement of this chapter.~~

10 Section 18. Subsection (1) of section 210.10, Florida
11 Statutes, is amended to read:

12 210.10 General powers of the Division of Alcoholic
13 Beverages and Tobacco.--

14 (1) The Division of Alcoholic Beverages and Tobacco
15 has authority to adopt rules pursuant to ss. 120.54 and
16 120.536(1) to implement ~~is authorized to prescribe and~~
17 ~~promulgate all rules and regulations necessary to effectuate~~
18 ~~the provisions of this part consistent with the terms hereof.~~
19 All cigarette permits issued hereunder shall have printed
20 thereon a notice to the effect that such permit is issued
21 subject to the provisions of this part and such said rules and
22 regulations. The division shall provide upon request without
23 charge to any applicant for a permit a copy of this part and
24 the rules ~~and regulations~~ prescribed by it pursuant hereto.

25 Section 19. Subsection (2) of section 210.75, Florida
26 Statutes, is amended to read:

27 210.75 Administration.--

28 (2) The division has authority to adopt rules pursuant
29 to ss. 120.54 and 120.536(1) to ~~is authorized to prescribe and~~
30 ~~promulgate rules it may deem necessary to implement and~~
31 enforce the provisions of this part.

Amendment No. ____ (for drafter's use only)

1 Section 20. Subsection (6) of section 212.17, Florida
2 Statutes, is amended to read:

3 212.17 Credits for returned goods, rentals, or
4 admissions; additional powers of department.--

5 (6) The department has authority to adopt rules
6 pursuant to ss. 120.54 and 120.536(1) to enforce the
7 provisions of this chapter ~~shall have the power to make,~~
8 ~~prescribe and publish reasonable rules and regulations not~~
9 ~~inconsistent with this chapter, or the other laws, or the~~
10 ~~constitution of this state, or the United States, for the~~
11 ~~enforcement of the provisions of this chapter and the~~
12 ~~collection of revenue hereunder, and such rules and~~
13 ~~regulations shall when enforced be deemed to be reasonable and~~
14 ~~just.~~

15 Section 21. Subsection (2) of section 212.18, Florida
16 Statutes, is amended to read:

17 212.18 Administration of law; registration of dealers;
18 rules.--

19 (2) The department shall administer and enforce the
20 assessment and collection of the taxes, interest, and
21 penalties imposed by this chapter. It has authority to adopt
22 rules pursuant to ss. 120.54 and 120.536(1) to enforce the
23 provisions of ~~is authorized to make and publish such rules and~~
24 ~~regulations not inconsistent with this chapter, as it may deem~~
25 ~~necessary in enforcing its provisions~~ in order that there
26 shall not be collected on the average more than the rate
27 levied herein. The department is authorized to and it shall
28 provide by rule ~~and regulation~~ a method for accomplishing this
29 end. It shall prepare instructions to all persons required by
30 this chapter to collect and remit the tax to guide such
31 persons in the proper collection and remission of such tax and

Amendment No. ____ (for drafter's use only)

1 to instruct such persons in the practices that may be
2 necessary for the purpose of enforcement of this chapter and
3 the collection of the tax imposed hereby. The use of tokens
4 in the collection of this tax is hereby expressly forbidden
5 and prohibited.

6 Section 22. Subsection (1) of section 213.06, Florida
7 Statutes, is amended to read:

8 213.06 Rules of department; circumstances requiring
9 emergency rules.--

10 (1) The Department of Revenue has the ~~is granted~~
11 authority to adopt ~~such~~ rules pursuant to ss. 120.54 and
12 120.536(1) as are necessary to implement provisions of carry
13 ~~out the intent and purposes of this chapter and all other~~
14 ~~revenue laws administered by the department, and it may amend~~
15 ~~such rules to conform to legislation or departmental policy~~
16 ~~changes made in the absence of any legislation.~~

17 Section 23. Subsection (5) of section 215.62, Florida
18 Statutes, is amended to read:

19 215.62 Division of Bond Finance.--

20 (5) The board has authority ~~shall have power~~ to adopt
21 ~~such~~ rules pursuant to ss. 120.54 and 120.536(1) to implement
22 provisions of law conferring duties on it and regulations as
23 ~~may be necessary for carrying out the duties of the division.~~
24 The board shall hold regular and special meetings at such
25 places and times, in such manner, and after such notice as may
26 be provided by resolution adopted by the board or upon call of
27 the chair.

28 Section 24. Paragraph (a) of subsection (2) of section
29 215.95, Florida Statutes, is amended to read:

30 215.95 Financial Management Information Board.--

31 (2) To carry out its duties and responsibilities, the

Amendment No. ____ (for drafter's use only)

1 board shall by majority vote:

2 (a) Adopt ~~such~~ rules pursuant to ss. 120.54 and
3 ~~120.536(1), policies, procedures, principles, and standards as~~
4 ~~deemed necessary~~ to implement the Florida Financial Management
5 Information System.

6 Section 25. Section 217.14, Florida Statutes, is
7 amended to read:

8 217.14 Adoption of rules ~~and regulations~~.--The
9 department has authority ~~is authorized~~ to adopt, ~~promulgate,~~
10 ~~and repeal~~ rules pursuant to ss. 120.54 and 120.536(1) to
11 implement the provisions of ~~and carry out the purpose of this~~
12 chapter, ~~in compliance with chapter 120~~.

13 Section 26. Subsection (8) of section 220.182, Florida
14 Statutes, is amended to read:

15 220.182 Enterprise zone property tax credit.--

16 (8) The department has authority to adopt rules
17 pursuant to ss. 120.54 and 120.536(1) to implement the
18 provisions of ~~shall promulgate any rules necessary to ensure~~
19 ~~the orderly implementation and administration of this act~~.

20 Section 27. Paragraphs (a) and (d) of subsection (6)
21 of section 220.183, Florida Statutes, are amended to read:

22 220.183 Community contribution tax credit.--

23 (6) ADMINISTRATION.--

24 (a) The Office of Tourism, Trade, and Economic
25 Development has authority to adopt rules pursuant to ss.
26 120.54 and 120.536(1) ~~is authorized to promulgate all rules~~
27 ~~necessary~~ to implement the provisions of ~~administer~~ this
28 section, including rules for the approval or disapproval of
29 proposals by business firms.

30 (d) The Department of Revenue has authority to adopt
31 rules pursuant to ss. 120.54 and 120.536(1) to implement the

Amendment No. ____ (for drafter's use only)

1 ~~provisions of shall promulgate any rules necessary to ensure~~
2 ~~the orderly implementation and administration of this section.~~

3 Section 28. Subsection (1) of section 229.053, Florida
4 Statutes, is amended to read:

5 229.053 General powers of state board.--

6 (1) The State Board of Education is the chief
7 policymaking and coordinating body of public education in
8 Florida. It has authority to adopt rules pursuant to ss.
9 120.54 and 120.536(1) to implement the provisions of law
10 conferring duties upon it ~~has the general powers to determine,~~
11 ~~adopt, or prescribe such policies, rules, regulations, or~~
12 ~~standards as are required by law or as it may find necessary~~
13 ~~for the improvement of the state system of public education.~~
14 Except as otherwise provided herein, it may, as it shall find
15 appropriate, delegate its general powers to the Commissioner
16 of Education or the directors of the divisions of the
17 department.

18 Section 29. Section 229.515, Florida Statutes, is
19 amended to read:

20 229.515 Rules and standards have force of law.--The
21 Commissioner of Education has authority to adopt rules
22 pursuant to ss. 120.54 and 120.536(1) to implement the
23 provisions of ~~may prescribe such rules and minimum standards~~
24 ~~as are necessary to carry out his or her responsibilities~~
25 ~~under the school code~~ conferring duties upon the commissioner,
26 with the exception of provisions relating to state
27 universities and community colleges and the Florida School for
28 the Deaf and the Blind, ~~and all such rules and minimum~~
29 ~~standards, if not in conflict with the school code, have the~~
30 ~~full force and effect of law. The commissioner, in prescribing~~
31 ~~such rules, is considered an "agency" for purposes of chapter~~

Amendment No. ____ (for drafter's use only)

1 ~~120.~~

2 Section 30. Subsection (2) of section 230.22, Florida
3 Statutes, is amended to read:

4 230.22 General powers of school board.--The school
5 board, after considering recommendations submitted by the
6 superintendent, shall exercise the following general powers:

7 (2) Adopt ~~such~~ rules pursuant to ss. 120.54 and
8 120.536(1) to implement the provisions of law conferring
9 duties upon it ~~and regulations~~ to supplement those prescribed
10 by the state board and the commissioner ~~as in its opinion will~~
11 ~~contribute to the more orderly and efficient operation of the~~
12 ~~district school system.~~

13 Section 31. Subsection (4) of section 230.32, Florida
14 Statutes, is amended to read:

15 230.32 General powers of superintendents.--The
16 superintendent shall have the authority, and when necessary
17 for the more efficient and adequate operation of the district
18 school system, the superintendent shall exercise the following
19 powers:

20 (4) RECOMMEND AND EXECUTE RULES ~~AND~~
21 ~~REGULATIONS~~.--Prepare and organize by subjects and submit to
22 the school board for adoption such rules ~~and regulations~~ to
23 supplement those adopted by the state board or the
24 commissioner as, in the superintendent's opinion, will
25 contribute to the efficient operation of any aspect of
26 education in the district. When rules ~~and regulations~~ have
27 been adopted, the superintendent shall see that they are
28 executed.

29 Section 32. Paragraph (d) of subsection (7) of section
30 231.261, Florida Statutes, is amended to read:

31 231.261 Education Practices Commission;

Amendment No. ____ (for drafter's use only)

1 organization.--

2 (7) The duties and responsibilities of the commission
3 are to:

4 (d) Adopt rules pursuant to ss. 120.54 and 120.536(1)
5 to implement provisions of law conferring duties upon it ~~Have~~
6 ~~rulemaking authority pursuant to chapter 120.~~

7 Section 33. Subsection (2) of section 235.01, Florida
8 Statutes, is amended to read:

9 235.01 Purpose; rules.--

10 (2) The Commissioner of Education shall adopt rules
11 pursuant to ss. 120.54 and 120.536(1) to implement the
12 provisions of this chapter.

13 Section 34. Subsection (1) and paragraph (r) of
14 subsection (3) of section 240.209, Florida Statutes, are
15 amended to read:

16 240.209 Board of Regents; powers and duties.--

17 (1) The Board of Regents is primarily responsible for
18 adopting systemwide rules pursuant to ss. 120.54 and
19 120.536(1) to implement provisions of law conferring duties
20 upon it ~~and policies~~; planning for the future needs of the
21 State University System; planning the programmatic, financial,
22 and physical development of the system; reviewing and
23 evaluating the instructional, research, and service programs
24 at the universities; coordinating program development among
25 the universities; and monitoring the fiscal performance of the
26 universities.

27 (3) The board shall:

28 (r) Adopt ~~such~~ rules pursuant to ss. 120.54 and
29 120.536(1) to implement provisions of law conferring duties
30 upon it ~~as are necessary to carry out its duties and~~
31 ~~responsibilities.~~

Amendment No. ____ (for drafter's use only)

1 Section 35. Subsection (1) of section 240.227, Florida
2 Statutes, is amended to read:

3 240.227 University presidents; powers and duties.--The
4 president is the chief administrative officer of the
5 university and is responsible for the operation and
6 administration of the university. Each university president
7 shall:

8 (1) ~~Develop and~~ Adopt rules pursuant to ss. 120.54 and
9 120.536(1) to implement provisions of law governing the
10 operation and administration of the university. Such rules
11 shall be consistent with the mission of the university and
12 statewide rules and policies and shall assist in the
13 development of the university in a manner which will
14 complement the missions and activities of the other
15 universities for the overall purpose of achieving the highest
16 quality of education for the citizens of the state.

17 Section 36. Subsection (2) of section 240.311, Florida
18 Statutes, is amended to read:

19 240.311 State Board of Community Colleges; powers and
20 duties.--

21 (2) The State Board of Community Colleges is
22 responsible for ~~the establishing and developing of rules and~~
23 ~~policies which will ensure~~ the operation and maintenance of a
24 state community college system, as defined in s.
25 228.041(1)(b), in a coordinated, efficient, and effective
26 manner. The State Board of Community Colleges has authority to
27 adopt rules pursuant to ss. 120.54 and 120.536(1) to implement
28 provisions of law conferring duties upon it.Such rules and
29 policies shall be submitted to the State Board of Education
30 for approval. If any rule is not disapproved by the State
31 Board of Education within 45 days of its receipt by the State

Amendment No. ____ (for drafter's use only)

1 Board of Education, the rule shall be filed immediately with
2 the Department of State.

3 Section 37. Subsection (2) of section 240.319, Florida
4 Statutes, as amended by section 2 of chapter 97-383, Laws of
5 Florida, is amended to read:

6 240.319 Community college district boards of trustees;
7 duties and powers.--

8 (2) ~~In carrying out this responsibility, The board of~~
9 trustees, after considering recommendations submitted by the
10 community college president, has authority to adopt rules
11 pursuant to ss. 120.54 and 120.536(1) to implement the
12 provisions of law conferring duties upon it shall be
13 ~~authorized to adopt such rules, procedures, and policies as~~
14 ~~are necessary to operate the community college in such a~~
15 ~~manner as to assure the fulfillment of the responsibilities~~
16 ~~assigned to the board of trustees. These rules, procedures,~~
17 ~~and policies may supplement those prescribed by the State~~
18 Board of Education and the State Board of Community Colleges
19 if they will contribute to the more orderly and efficient
20 operation of the state community college system.

21 Section 38. Subsection (3) of section 242.331, Florida
22 Statutes, is amended to read:

23 242.331 Florida School for the Deaf and the Blind;
24 board of trustees.--

25 (3) The board of trustees has authority to adopt rules
26 pursuant to ss. 120.54 and 120.536(1) to implement provisions
27 of law relating to operation of ~~is authorized to adopt such~~
28 ~~rules as are necessary to operate~~ the Florida School for the
29 Deaf and the Blind. Such rules shall be submitted to the State
30 Board of Education for approval or disapproval. If any rule is
31 not disapproved by the State Board of Education within 60 days

Amendment No. ____ (for drafter's use only)

1 of its receipt by the State Board of Education, the rule shall
2 be filed immediately with the Department of State. The board
3 of trustees shall act at all times in conjunction with the
4 rules of the State Board of Education.

5 Section 39. Paragraph (e) of subsection (1) of section
6 246.041, Florida Statutes, is amended to read:

7 246.041 Powers and duties of board.--

8 (1) The board shall:

9 (e) Adopt rules pursuant to ss. 120.54 and 120.536(1)
10 to implement provisions of law conferring duties upon it
11 ~~necessary to carry out its functions.~~

12 Section 40. Section 246.051, Florida Statutes, is
13 amended to read:

14 246.051 Administration by board.--The provisions of
15 ss. 246.011-246.151 shall be administered by the board which
16 in connection therewith has the power:

17 (1) To adopt ~~such~~ rules pursuant to ss. 120.54 and
18 120.536(1) to implement as it may find necessary to carry out
19 ~~the objectives, purposes, and directives of ss.~~
20 246.011-246.151;

21 (2) To execute such ~~standards and~~ rules and
22 ~~regulations~~ as shall be adopted for the operation and
23 establishment of nonpublic colleges; and

24 (3) To expend funds as necessary to assist in the
25 enforcement of ss. 246.011-246.151.

26 Section 41. Section 246.071, Florida Statutes, is
27 amended to read:

28 246.071 Rules of State Board of Independent Colleges
29 and Universities.--The State Board of Independent Colleges and
30 Universities has authority ~~is authorized~~ to adopt ~~such~~ rules
31 pursuant to ss. 120.54 and 120.536(1) to implement as are

Amendment No. ____ (for drafter's use only)

1 ~~necessary to carry out the objectives, purposes, and~~
2 ~~directives of ss. 246.011-246.151.~~ Such rules shall be
3 submitted to the State Board of Education for approval or
4 disapproval. If any rule is not disapproved by the State
5 Board of Education within 60 days after its receipt by the
6 State Board of Education, the rule shall be filed immediately
7 with the Department of State.

8 Section 42. Paragraph (e) of subsection (1) of section
9 246.207, Florida Statutes, is amended to read:

10 246.207 Powers and duties of board.--

11 (1) The board shall:

12 (e) Prescribe and recommend to the State Board of
13 Education rules to implement as are required by ss.
14 ~~246.201-246.231 or as it may find necessary to aid in carrying~~
15 ~~out the objectives and purposes of ss. 246.201-246.231.~~

16 Section 43. Subsection (1) of section 246.213, Florida
17 Statutes, is amended to read:

18 246.213 Power of State Board of Education.--

19 (1) The State Board of Education, acting on the
20 recommendation of the State Board of Independent Postsecondary
21 Vocational, Technical, Trade, and Business Schools, shall
22 adopt ~~such~~ minimum standards for schools and other rules
23 pursuant to ss. 120.54 and 120.536(1) to implement as are
24 ~~required for the administration of ss. 246.201-246.231.~~

25 Section 44. Paragraph (a) of subsection (7) of section
26 253.03, Florida Statutes, is amended to read:

27 253.03 Board of trustees to administer state lands;
28 lands enumerated.--

29 (7)(a) The Board of Trustees of the Internal
30 Improvement Trust Fund is hereby authorized and directed to
31 administer all state-owned lands and shall be responsible for

Amendment No. ____ (for drafter's use only)

1 the creation of an overall and comprehensive plan of
2 development concerning the acquisition, management, and
3 disposition of state-owned lands so as to ensure maximum
4 benefit and use. The Board of Trustees of the Internal
5 Improvement Trust Fund has authority to ~~shall~~ adopt rules
6 pursuant to ss. 120.54 and 120.536(1) to implement the
7 provisions of ~~and regulations necessary to carry out the~~
8 ~~purposes of this act as set forth in this section.~~

9 Section 45. Section 253.73, Florida Statutes, is
10 amended to read:

11 253.73 Rules ~~and regulations~~; ss.
12 253.67-253.75.--~~Subject to the requirements of chapter 120,~~
13 The board has authority to ~~may~~ adopt rules pursuant to ss.
14 120.54 and 120.536(1) to administer ~~and regulations necessary~~
15 ~~and appropriate to carry out~~ the provisions of ss.
16 253.67-253.75.

17 Section 46. Section 257.14, Florida Statutes, is
18 amended to read:

19 257.14 Division of Library and Information Services;
20 rules.--The Division of Library and Information Services has
21 authority to ~~may~~ adopt rules pursuant to ss. 120.54 and
22 120.536(1) to implement ~~carry out~~ the provisions of this
23 chapter.

24 Section 47. Subsection (2) of section 258.007, Florida
25 Statutes, is amended to read:

26 258.007 Powers of division.--

27 (2) The division has authority to adopt rules pursuant
28 to ss. 120.54 and 120.536(1) to implement provisions of law
29 conferring duties on it ~~shall make and publish such rules and~~
30 ~~regulations as it may deem necessary or proper for the~~
31 ~~management and use of the parks, monuments, and memorials~~

Amendment No. ____ (for drafter's use only)

1 ~~under its jurisdiction, and the violation of any rule of the~~
2 ~~rules and regulations~~ authorized by this section shall be a
3 misdemeanor and punishable accordingly.

4 Section 48. Section 258.011, Florida Statutes, is
5 repealed.

6 Section 49. Section 258.43, Florida Statutes, is
7 amended to read:

8 258.43 Rules ~~and regulations~~.--

9 (1) The Board of Trustees of the Internal Improvement
10 Trust Fund has authority to adopt rules pursuant to ss. 120.54
11 and 120.536(1) to implement ~~shall adopt and enforce reasonable~~
12 ~~rules and regulations to carry out~~ the provisions of this act
13 and specifically to provide regulation of human activity
14 within the preserve in such a manner as not to unreasonably
15 interfere with lawful and traditional public uses of the
16 preserve, such as sport and commercial fishing, boating, and
17 swimming.

18 (2) Other uses of the preserve, or human activity
19 within the preserve, although not originally contemplated, may
20 be permitted by the trustees, but only subsequent to a formal
21 finding of compatibility with the purposes of this act.

22 (3) The Board of Trustees of the Internal Improvement
23 Trust Fund may delegate to a local government, by agreement,
24 the power and duty to administer and enforce the standards and
25 criteria established in a resource inventory and management
26 plan adopted by the board, if the board determines that such a
27 delegation is in the public interest.

28 (a) Such delegation shall be made only if the board
29 determines that the local government's program for
30 administering and enforcing the adopted standards and
31 criteria:

Amendment No. ____ (for drafter's use only)

1 1. Adopts, by ordinance, standards and criteria no
2 less restrictive than those in the management plan approved by
3 the board pursuant to the provisions of rule 18-20.013(2),
4 Florida Administrative Code; provided, however nothing
5 contained in this subsection shall expand the powers,
6 jurisdiction, or authority granted pursuant to this chapter.
7 When a local government's program proposes to include
8 standards and criteria that are more restrictive than those in
9 the management plan approved by the board, such standards and
10 criteria shall not be effective until they have been approved
11 by the board as being consistent with the provisions of this
12 chapter.

13 2. Provides for the enforcement of such requirements
14 by appropriate administrative and judicial processes.

15 3. Provides for administrative organization, staff,
16 and financial and other resources necessary to effectively and
17 efficiently enforce such requirements.

18 4. Provides for improved management and enforcement of
19 the standards and criteria in the resource inventory and
20 management plans and of the rules adopted by the board
21 pertaining to state-owned lands.

22 (b) Such delegation may not include the authority to
23 grant approval for the sale, lease, easement, or other uses of
24 state-owned sovereignty lands that require approval by the
25 board as provided by the board's rules on October 1, 1989.
26 This provision shall not preclude agreements between the board
27 and local governments that may provide that the local
28 government shall process applications and present
29 recommendations for final action to the board.

30 (c) The board shall give prior notice of its intention
31 to enter into an agreement as described in this subsection, as

Amendment No. ____ (for drafter's use only)

1 provided by s. 253.115. The Division of State Lands of the
2 Department of Environmental Protection shall update its rules
3 annually to include a list of the management agreements
4 adopted pursuant to this subsection. The list shall identify
5 the parties to, and the date and location of, each agreement,
6 and shall specify the nature of the authority delegated by the
7 agreement.

8 (d) The board may designate the local government as
9 its enforcement arm for purposes of s. 258.46, and the local
10 government shall have the authority to directly enforce the
11 provisions of that section or to rely on the enforcement
12 provisions of the local ordinance implementing the management
13 plan. The governing body of the local government shall seek
14 approval from the Division of State Lands before seeking the
15 elevated penalties associated with direct enforcement of s.
16 258.46 in lieu of penalties associated with violation of its
17 ordinance. Nothing in this subsection shall affect the
18 authority of the division to enforce the provisions of this
19 act.

20 (e) Each year on the anniversary of any delegation
21 pursuant to this subsection, the staff of the department shall
22 present to the board an evaluation of decisions made by the
23 local governments during the previous year. The board shall,
24 upon reviewing this evaluation, either act to renew the
25 delegation, act to retract the delegation, or act to renew the
26 delegation with specific directives to the local government to
27 take corrective action concerning any deficiencies in its
28 processing or application of the standards and criteria in the
29 rules approved by the board or a management plan adopted for
30 the preserves.

31 (f) Nothing contained in this subsection shall affect

Amendment No. ____ (for drafter's use only)

1 the powers, duties, or procedures set forth in chapter 403.

2 Section 50. Subsection (1) of section 259.035, Florida
3 Statutes, is amended to read:

4 259.035 Advisory council; powers and duties.--

5 (1) There is created a Land Acquisition and Management
6 Advisory Council to be composed of the secretary and a
7 designee of the department, the director of the Division of
8 Forestry of the Department of Agriculture and Consumer
9 Services, the executive director of the Game and Fresh Water
10 Fish Commission, the director of the Division of Historical
11 Resources of the Department of State, and the secretary of the
12 Department of Community Affairs, or their respective
13 designees. The chairmanship of the council shall rotate
14 annually in the foregoing order. The council shall hold
15 periodic meetings at the request of the chair. The department
16 shall provide primary staff support to the council and shall
17 ensure that council meetings are electronically recorded. Such
18 recordings shall be preserved pursuant to chapters 119 and
19 257. The department has authority to ~~may~~ adopt rules pursuant
20 to ss. 120.54 and 120.536(1) to implement the provisions of
21 ~~any rule or form necessary to implement~~ this section.

22 Section 51. Subsection (2) of section 259.041, Florida
23 Statutes, is amended to read:

24 259.041 Acquisition of state-owned lands for
25 preservation, conservation, and recreation purposes.--

26 (2) The board of trustees has authority to ~~shall~~ adopt
27 ~~and may modify or repeal such~~ rules pursuant to ss. 120.54 and
28 120.536(1) as are necessary to implement the provisions ~~carry~~
29 ~~out the purposes~~ of this section, including rules governing
30 the terms and conditions of land purchases. Such rules shall
31 address with specificity, but not be limited to:

Amendment No. ____ (for drafter's use only)

1 (a) The procedures to be followed in the acquisition
2 process, including selection of appraisers, surveyors, title
3 agents and closing agents, and the content of appraisal
4 reports.

5 (b) The determination of the value of parcels which
6 the state has an interest to acquire.

7 (c) Special requirements when multiple landowners are
8 involved in an acquisition.

9 (d) Requirements for obtaining written option
10 agreements so that the interests of the state are fully
11 protected.

12 Section 52. Paragraph (d) of subsection (5) of section
13 265.284, Florida Statutes, is amended to read:

14 265.284 Chief cultural officer; director of division;
15 powers and duties.--

16 (5) The division is further authorized to:

17 (d) Adopt rules pursuant to ss. 120.54 and 120.536(1)
18 to implement provisions of law conferring duties on it
19 ~~Promulgate such rules as are necessary to carry out its~~
20 ~~duties.~~

21 Section 53. Subsection (1) of section 265.605, Florida
22 Statutes, is amended to read:

23 265.605 Cultural Endowment Program; rulemaking.--

24 (1) The department shall adopt ~~any~~ rules pursuant to
25 ss. 120.54 and 120.536(1)~~necessary~~ to implement the
26 provisions of this act.

27 Section 54. Subsection (1) of section 267.031, Florida
28 Statutes, is amended to read:

29 267.031 Division of Historical Resources.--

30 (1) The division has authority to ~~shall~~ adopt ~~such~~
31 rules pursuant to ss. 120.54 and 120.536(1)~~as deemed~~

Amendment No. ____ (for drafter's use only)

1 ~~necessary to implement provisions of carry out its duties and~~
2 ~~responsibilities under this chapter conferring duties upon it.~~

3 Section 55. Section 280.19, Florida Statutes, is
4 amended to read:

5 280.19 Rules.--The Treasurer shall adopt ~~such~~ rules
6 pursuant to ss. 120.54 and 120.536(1)~~and prescribe such forms~~
7 ~~as may be necessary to administer the provisions accomplish~~
8 ~~the purposes~~ of this chapter.

9 Section 56. Section 284.17, Florida Statutes, is
10 amended to read:

11 284.17 Rules ~~and regulations~~.--The Department of
12 Insurance has authority to adopt rules pursuant to ss. 120.54
13 and 120.536(1) to implement the provisions of ~~shall promulgate~~
14 ~~such reasonable rules and regulations as are necessary to aid~~
15 ~~in the implementation of~~ this chapter.

16 Section 57. Subsection (1) of section 288.709, Florida
17 Statutes, is amended to read:

18 288.709 Powers of the Florida Black Business
19 Investment Board.--The board shall have all the powers
20 necessary or convenient to carry out and effectuate the
21 purposes and provisions of ss. 9-21, chapter 85-104, Laws of
22 Florida, including, but not limited to, the power to:

23 (1) Adopt bylaws for the regulation of its affairs and
24 the conduct of its business and adopt rules pursuant to ss.
25 120.54 and 120.536(1) to implement the provisions of law
26 conferring duties upon it ~~rules pursuant to chapter 120.~~

27 However, any proposed rules affecting the operation or
28 administration or financial well-being of any of the black
29 business investment corporations must first be approved by a
30 majority of the black business investment corporations.

31 Section 58. Subsection (3) of section 292.05, Florida

Amendment No. ____ (for drafter's use only)

1 Statutes, is amended to read:

2 292.05 Duties of Department of Veterans' Affairs.--

3 (3) The department has authority to ~~may~~ adopt, ~~amend,~~
4 ~~or rescind such~~ rules pursuant to ss. 120.54 and 120.536(1) to
5 implement the provisions of ~~as it deems necessary to carry out~~
6 this chapter.

7 Section 59. Paragraph (c) of subsection (1) of section
8 310.151, Florida Statutes, is amended to read:

9 310.151 Rates of pilotage; Pilotage Rate Review
10 Board.--

11 (1)

12 (c) The board has authority to adopt rules pursuant to
13 ss. 120.54 and 120.536(1) to implement provisions of is
14 ~~authorized to adopt such rules as are consistent with law and~~
15 ~~necessary to carry out the duties and authority conferred on~~
16 ~~it by this section~~ conferring duties upon it. The department
17 shall provide the staff required by the board to carry out its
18 duties under this section.

19 Section 60. Subsection (1) of section 310.185, Florida
20 Statutes, is amended to read:

21 310.185 Rulemaking.--

22 (1) The board has authority to adopt rules pursuant to
23 ss. 120.54 and 120.536(1) to implement ~~shall have the power to~~
24 ~~adopt rules necessary to~~ the provisions of this chapter.

25 Section 61. Subsection (1) of section 319.17, Florida
26 Statutes, is amended to read:

27 319.17 Rules; forms; indexes and records.--

28 (1) The department has authority to ~~may~~ adopt ~~such~~
29 rules pursuant to ss. 120.54 and 120.536(1) to implement the
30 provisions of ~~as it deems necessary or proper for the~~
31 ~~administration of~~ this chapter, including rules that allow

Amendment No. ____ (for drafter's use only)

1 alternative methods of proof of satisfaction of liens.

2 Section 62. Section 320.011, Florida Statutes, is
3 amended to read:

4 320.011 Administration and enforcement; rules.--The
5 department shall administer and enforce the provisions of this
6 chapter and has authority to may adopt such rules pursuant to
7 ss. 120.54 and 120.536(1) to implement them as it deems
8 necessary or proper for the administration hereof.

9 Section 63. Section 320.69, Florida Statutes, is
10 amended to read:

11 320.69 Rules ~~and regulations~~.--The department has
12 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
13 to implement the provisions of may make such rules and
14 regulations as it shall deem necessary or proper for the
15 effective administration and enforcement of this law.

16 Section 64. Section 320.824, Florida Statutes, is
17 amended to read:

18 320.824 ~~Rules and regulations~~, Changes and
19 modifications of standards.--

20 (1) The department may ~~make such rules and regulations~~
21 ~~as it shall deem necessary or proper for the effective~~
22 ~~administration and enforcement of ss. 320.822-320.90 and may~~
23 adopt by rule and promulgate any changes in, or additions to,
24 the standards adopted in s. 320.823 or s. 320.8231, which are
25 approved and officially published by the institute or
26 promulgated by the Department of Housing and Urban Development
27 subsequent to the effective date of this act.

28 (2) The department or its authorized agent may enter
29 any place or establishment where mobile homes are
30 manufactured, sold, or offered for sale, for the purpose of
31 ascertaining whether the requirements of the code and the

Amendment No. ____ (for drafter's use only)

1 ~~rules regulations~~ adopted by the department have been met.

2 Section 65. Section 324.042, Florida Statutes, is
3 amended to read:

4 324.042 Administration.--The department shall
5 administer and enforce the provisions of this chapter, and has
6 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
7 to implement them ~~the department may make such rules as may be~~
8 ~~necessary for its administration.~~

9 Section 66. Subsection (2) of section 326.003, Florida
10 Statutes, is amended to read:

11 326.003 Administration.--The division shall:

12 (2) Adopt rules pursuant to ss. 120.54 and 120.536(1)
13 to implement ~~administer~~ ss. 326.001-326.006 and to classify
14 brokers and salespersons and regulate their activities.

15 Section 67. Section 327.04, Florida Statutes, is
16 amended to read:

17 327.04 Rules ~~and regulations~~.--

18 (1) The department has authority to ~~may~~ adopt rules
19 pursuant to ss. 120.54 and 120.536(1), other than rules
20 pertaining to vessel registration or titling, to implement the
21 provisions of ~~which are necessary for carrying out the~~
22 ~~administrative powers and duties conferred on the department~~
23 ~~by this chapter~~ conferring powers or duties upon it.

24 (2) The Department of Highway Safety and Motor
25 Vehicles has authority to ~~may~~ adopt rules pursuant to ss.
26 120.54 and 120.536(1) which pertain ~~pertaining~~ to vessel
27 registration and titling to implement the provisions of
28 ~~necessary for carrying out the administrative duties,~~
29 ~~obligations, and powers conferred on that department by this~~
30 chapter and chapter 328 conferring duties upon it.

31 Section 68. Section 330.29, Florida Statutes, is

Amendment No. ____ (for drafter's use only)

1 amended to read:

2 330.29 Administration and enforcement; rules;
3 standards for airport sites and airports.--It is the duty of
4 the department to:

5 (1) Administer and enforce the provisions of this
6 chapter.†

7 (2) Establish minimum standards for airport sites and
8 airports under its licensing jurisdiction.†~~and~~

9 (3) Adopt ~~such~~ rules pursuant to ss. 120.54 and
10 120.536(1)~~as it deems necessary to implement administer and~~
11 ~~enforce~~ the provisions of this chapter.

12 Section 69. Subsection (2) of section 334.044, Florida
13 Statutes, is amended to read:

14 334.044 Department; powers and duties.--The department
15 shall have the following general powers and duties:

16 (2) To adopt rules pursuant to ss. 120.54 and
17 120.536(1) to implement the provisions of law conferring
18 duties upon it, procedures, and standards for the conduct of
19 its business operations and the implementation of any
20 provision of law for which the department is responsible.

21 Section 70. Paragraph (c) of subsection (10) of
22 section 339.175, Florida Statutes, is amended to read:

23 339.175 Metropolitan planning organization.--It is the
24 intent of the Legislature to encourage and promote the
25 development of transportation systems embracing various modes
26 of transportation in a manner that will maximize the mobility
27 of people and goods within and through urbanized areas of this
28 state and minimize, to the maximum extent feasible, and
29 together with applicable regulatory government agencies,
30 transportation-related fuel consumption and air pollution. To
31 accomplish these objectives, metropolitan planning

Amendment No. ____ (for drafter's use only)

1 organizations, referred to in this section as M.P.O.'s, shall
2 develop, in cooperation with the state, transportation plans
3 and programs for metropolitan areas. Such plans and programs
4 must provide for the development of transportation facilities
5 that will function as an intermodal transportation system for
6 the metropolitan area. The process for developing such plans
7 and programs shall be continuing, cooperative, and
8 comprehensive, to the degree appropriate, based on the
9 complexity of the transportation problems.

10 (10) METROPOLITAN PLANNING ORGANIZATION ADVISORY
11 COUNCIL.--

12 (c) The powers and duties of the Metropolitan Planning
13 Organization Advisory Council are to:

14 1. Enter into contracts with individuals, private
15 corporations, and public agencies.

16 2. Acquire, own, operate, maintain, sell, or lease
17 personal property essential for the conduct of business.

18 3. Accept funds, grants, assistance, gifts, or
19 bequests from private, local, state, or federal sources.

20 4. Establish bylaws and adopt rules pursuant to ss.
21 120.54 and 120.536(1) to implement provisions of law
22 conferring powers or duties upon it ~~make rules to effectuate~~
23 ~~its powers, responsibilities, and obligations.~~

24 5. Assist M.P.O.'s in carrying out the urbanized area
25 transportation planning process by serving as the principal
26 forum for collective policy discussion pursuant to law.

27 6. Serve as a clearinghouse for review and comment by
28 M.P.O.'s on the Florida Transportation Plan and on other
29 issues required to comply with federal or state law in
30 carrying out the urbanized area transportation and systematic
31 planning processes instituted pursuant to s. 339.155.

Amendment No. ____ (for drafter's use only)

1 7. Employ an executive director and such other staff
2 as necessary to perform adequately the functions of the
3 council, within budgetary limitations. The executive director
4 and staff are exempt from part II of chapter 110 and serve at
5 the direction and control of the council. The council is
6 assigned to the Office of the Secretary of the Department of
7 Transportation or for fiscal and accountability purposes, but
8 it shall otherwise function independently of the control and
9 direction of the department.

10 8. Adopt an agency strategic plan that provides the
11 priority directions the agency will take to carry out its
12 mission within the context of the state comprehensive plan and
13 any other statutory mandates and directions given to the
14 agency.

15 Section 71. Subsection (2) of section 350.127, Florida
16 Statutes, is amended to read:

17 350.127 Penalties; rules; execution of contracts.--

18 (2) The commission is authorized to adopt, by
19 affirmative vote of a majority of the commission, rules
20 pursuant to ss. 120.54 and 120.536(1) to implement provisions
21 of law conferring duties upon it ~~reasonably necessary to~~
22 ~~implement any law which it administers.~~

23 Section 72. Subsection (1) of section 366.05, Florida
24 Statutes, is amended to read:

25 366.05 Powers.--

26 (1) In the exercise of such jurisdiction, the
27 commission shall have power to prescribe fair and reasonable
28 rates and charges, classifications, standards of quality and
29 measurements, and service rules and regulations to be observed
30 by each public utility; to require repairs, improvements,
31 additions, and extensions to the plant and equipment of any

Amendment No. ____ (for drafter's use only)

1 public utility when reasonably necessary to promote the
2 convenience and welfare of the public and secure adequate
3 service or facilities for those reasonably entitled thereto;
4 to employ and fix the compensation for such examiners and
5 technical, legal, and clerical employees as it deems necessary
6 to carry out the provisions of this chapter; and to adopt
7 rules pursuant to ss. 120.54 and 120.536(1) to implement and
8 enforce the provisions of ~~prescribe all rules and regulations~~
9 ~~reasonably necessary and appropriate for the administration~~
10 ~~and enforcement of this chapter.~~

11 Section 73. Subsection (1) of section 367.121, Florida
12 Statutes, is amended to read:

13 367.121 Powers of commission.--

14 (1) In the exercise of its jurisdiction, the
15 commission shall have power:

16 (a) To prescribe fair and reasonable rates and
17 charges, classifications, standards of quality and
18 measurements, and to prescribe service rules to be observed by
19 each utility, except to the extent such authority is expressly
20 given to another state agency.†

21 (b) To prescribe, by rule, a uniform system and
22 classification of accounts for all utilities, which rules,
23 among other things, shall establish adequate, fair, and
24 reasonable depreciation rates and charges.†

25 (c) To require such regular or emergency reports from
26 a utility, including, but not limited to, financial reports,
27 as the commission deems necessary and, if the commission finds
28 a financial report to be incomplete, incorrect, or
29 inconsistent with the uniform system and classification of
30 accounts, to require a new report or a supplemental report,
31 either of which the commission may require to be certified by

Amendment No. ____ (for drafter's use only)

1 an independent certified public accountant licensed under
2 chapter 473.†

3 (d) To require repairs, improvements, additions, and
4 extensions to any facility, or to require the construction of
5 a new facility, if reasonably necessary to provide adequate
6 and proper service to any person entitled to service or if
7 reasonably necessary to provide any prescribed quality of
8 service, except that no utility shall be required to extend
9 its service outside the geographic area described in its
10 certificate of authorization, or make additions to its plant
11 or equipment to serve outside such area, unless the commission
12 first finds that the utility is financially able to make such
13 additional investment without impairing its capacity to serve
14 its existing customers.†

15 (e) To employ and fix the compensation for such
16 examiners and technical, legal, and clerical employees as it
17 deems necessary to carry out the provisions of this chapter.†

18 (f) To adopt, by affirmative vote of a majority of the
19 commission, rules pursuant to ss. 120.54 and 120.536(1) to
20 implement and enforce the provisions of ~~reasonably necessary~~
21 ~~and appropriate for the administration and enforcement of this~~
22 ~~chapter.~~†

23 (g) To exercise all judicial powers, issue all writs,
24 and do all things necessary or convenient to the full and
25 complete exercise of its jurisdiction and the enforcement of
26 its orders and requirements.†

27 (h) To order interconnections of service or facilities
28 between utilities, and to approve any plant capacity charges
29 or wholesale service charges or rates related thereto,
30 provided the commission first finds that the utility is
31 financially able to make such additional investment as is

Amendment No. ____ (for drafter's use only)

1 required without impairing its capacity to serve its existing
2 customers.†

3 (i) To require the filing of reports and other data by
4 a public utility or its affiliated companies, including its
5 parent company, regarding transactions or allocations of
6 common costs, among the utility and such affiliated companies.
7 The commission may also require such reports or other data
8 necessary to ensure that a utility's ratepayers do not
9 subsidize nonutility activities.†

10 (j) To seek relief in circuit court including
11 temporary and permanent injunctions, restraining orders, or
12 any other appropriate order, because the Legislature finds
13 that violations of commission orders or rules, in connection
14 with the impairment of a utility's operations or service,
15 constitute irreparable harm for which there is no adequate
16 remedy at law. Such remedies shall be in addition to and
17 supplementary to any other remedies available for enforcement
18 of agency action under s. 120.69 or the provisions of this
19 chapter. The commission shall establish procedures
20 implementing this section by rule.†~~and~~

21 (k) To assess a utility for reasonable travel costs
22 associated with reviewing the records of the utility and its
23 affiliates when such records are kept out of state. The
24 utility may bring the records back into the state for review.

25 Section 74. Section 368.05, Florida Statutes, is
26 amended to read:

27 368.05 Commission jurisdiction, rules ~~and~~
28 ~~regulations.~~--

29 (1) In addition to its existing functions, the Florida
30 Public Service Commission shall have jurisdiction over all
31 persons, corporations, partnerships, associations, public

Amendment No. ____ (for drafter's use only)

1 agencies, municipalities, or other legal entities engaged in
2 the operation of gas transmission or distribution facilities
3 with respect to their compliance with the rules and
4 regulations governing safety standards established by the
5 commission pursuant to this law. The jurisdiction conferred
6 upon the commission hereby shall be exclusive of and superior
7 to that of all other boards, agencies, political subdivisions,
8 municipalities, towns, villages, or counties; and in case of
9 conflict therewith all lawful safety acts, orders, and rules,
10 ~~and regulations~~ of the commission shall in each instance
11 prevail.

12 (2) The commission shall have the power to perform any
13 and all acts, ~~and to prescribe, issue, make, amend, and~~
14 ~~rescind such orders, rules, and regulations not inconsistent~~
15 ~~herewith as it may find~~ necessary or appropriate to the
16 exercise of the authority granted under the provisions of this
17 law. The commission has authority to adopt rules pursuant to
18 ss. 120.54 and 120.536(1) to implement provisions of law
19 conferring duties upon it.The commission may require the
20 filing of periodic reports and all other data reasonably
21 necessary to determine whether the safety standards prescribed
22 by it are being complied with; may require repairs and
23 improvements to the gas transmission and distribution piping
24 systems subject to this law which are reasonably necessary to
25 promote the protection of the public; and may exercise all
26 judicial powers, issue all writs, and do all things necessary
27 or convenient to the full and complete exercise of its
28 jurisdiction and the enforcement of its safety orders and
29 rules ~~and regulations~~ adopted pursuant to this law.

30 (3) The jurisdiction conferred upon the commission by
31 this part does not extend to the distribution of gas beyond

Amendment No. ____ (for drafter's use only)

1 the last meter prior to consumption.

2 Section 75. Subsection (6) of section 369.20, Florida
3 Statutes, is amended to read:

4 369.20 Florida Aquatic Weed Control Act.--

5 (6) The department shall adopt rules pursuant to ss.
6 120.54 and 120.536(1) to implement provisions of this section
7 conferring powers or duties upon it, ~~amend, or repeal all~~
8 ~~rules as necessary to carry out the duties, obligations, and~~
9 ~~powers set forth in this section~~ and perform any other acts
10 necessary for the proper administration, enforcement, or
11 interpretation of this section, including creating general
12 permits and exemptions and adopting rules and forms governing
13 reports.

14 Section 76. Subsection (11) of section 369.22, Florida
15 Statutes, is amended to read:

16 369.22 Nonindigenous aquatic plant control.--

17 (11) The department shall adopt rules pursuant to ss.
18 120.54 and 120.536(1) to implement the provisions of, ~~amend,~~
19 ~~or repeal all rules as necessary to carry out the duties,~~
20 ~~obligations, and powers set forth in this section~~ conferring
21 powers or duties upon it and perform any other acts necessary
22 for the proper administration, enforcement, or interpretation
23 of this section, including adopting rules and forms governing
24 reports.

25 Section 77. Subsection (3) of section 369.251, Florida
26 Statutes, is amended to read:

27 369.251 Invasive nonnative plants; prohibitions;
28 study; removal; rules.--

29 (3) The department has authority to ~~shall~~ adopt rules
30 pursuant to ss. 120.54 and 120.536(1) to implement the
31 provisions of ~~necessary to implement~~ this section. Possession

Amendment No. ____ (for drafter's use only)

1 or transportation resulting from natural dispersion, mulching
2 operations, control and disposal, or use in herbaria or other
3 educational or research institutions, or for other reasons
4 determined by the department to be consistent with this
5 section and where there is neither the danger of, nor intent
6 to, further disperse any plant species prohibited by this
7 section, is not subject to the permit or penalty provisions of
8 this section.

9 Section 78. Subsection (1) of section 370.021, Florida
10 Statutes, is amended to read:

11 370.021 Administration; rules, publications, records;
12 penalty for violation of chapter; injunctions.--

13 (1) ~~RULES AND REGULATIONS.--~~The Department of
14 Environmental Protection has authority to adopt rules pursuant
15 to ss. 120.54 and 120.536(1) to implement provisions of law
16 conferring powers or duties upon it ~~shall make, adopt,~~
17 ~~promulgate, amend, and repeal all rules and regulations~~
18 ~~necessary or convenient for the carrying out of the duties,~~
19 ~~obligations, powers, and responsibilities conferred on the~~
20 ~~department or any of its divisions.~~ The director of each
21 division shall submit to the department suggested rules and
22 regulations for that division. Any person violating or
23 otherwise failing to comply with any of the rules and
24 regulations adopted as aforesaid is guilty of a misdemeanor of
25 the second degree, punishable as provided in s. 775.082 or s.
26 775.083, unless otherwise provided by law.

27 Section 79. Subsection (5) of section 370.092, Florida
28 Statutes, is amended to read:

29 370.092 Carriage of proscribed nets across Florida
30 waters.--

31 (5) The department has authority to adopt rules

Amendment No. ____ (for drafter's use only)

1 pursuant to ss. 120.54 and 120.536(1) to implement the
2 provisions of ~~is authorized to make and adopt reasonable~~
3 ~~rules, regulations, and orders, including emergency rules, to~~
4 ~~implement this section. The department shall adopt emergency~~
5 ~~rules to implement the provisions of subparagraph (4)(c)1. by~~
6 ~~August 1, 1996.~~

7 Section 80. Subsection (1) of section 370.15, Florida
8 Statutes, is amended to read:

9 370.15 Shrimp; regulation.--

10 (1) GENERAL AUTHORITY; CONSERVATION.--The department
11 has authority to adopt rules pursuant to ss. 120.54 and
12 120.536(1) to implement the provisions of this section. The
13 department shall encourage ~~is authorized and directed to~~
14 ~~adopt, promulgate, and enforce rules and regulations~~
15 ~~consistent with the provisions of this section and the general~~
16 ~~policy of encouraging~~ the production of the maximum sustained
17 yield consistent with the preservation and protection of
18 breeding stock, taking into consideration the recommendations
19 of the various marine laboratories, as well as those of
20 interested and experienced groups of private citizens. ~~Such~~
21 Rules shall and regulations are to control the method, manner,
22 and equipment used in the taking of shrimp or prawn, as well
23 as limiting and defining the areas where taken.

24 Section 81. Section 373.043, Florida Statutes, is
25 amended to read:

26 373.043 Adoption and enforcement of rules ~~regulations~~
27 by the department.--The department has authority to adopt
28 rules pursuant to ss. 120.54 and 120.536(1) ~~shall adopt,~~
29 ~~promulgate, and enforce such regulations and review procedures~~
30 ~~as may be necessary or convenient to~~ implement ~~administer~~ the
31 provisions of this chapter.

Amendment No. ____ (for drafter's use only)

1 Section 82. Section 373.044, Florida Statutes, is
2 amended to read:

3 373.044 Rules ~~and regulations~~; enforcement;
4 availability of personnel rules.--~~In administering this~~
5 ~~chapter,~~The governing board of the district is authorized to
6 ~~make and~~ adopt rules pursuant to ss. 120.54 and 120.536(1) to
7 implement the provisions of this chapter.~~reasonable rules,~~
8 ~~regulations, and orders which are consistent with law; and~~
9 ~~such Rules, regulations, and orders may be enforced by~~
10 mandatory injunction or other appropriate action in the courts
11 of the state. Rules relating to personnel matters shall be
12 made available to the public and affected persons at no more
13 than cost but need not be published in the Florida
14 Administrative Code or the Florida Administrative Weekly.

15 Section 83. Section 373.113, Florida Statutes, is
16 amended to read:

17 373.113 Adoption of rules ~~regulations~~ by the governing
18 board.--In administering the provisions of this chapter the
19 governing board has authority to adopt rules pursuant to ss.
20 120.54 and 120.536(1) to implement provisions of law
21 conferring powers or duties upon it ~~shall adopt, promulgate,~~
22 ~~and enforce such regulations as may be reasonably necessary to~~
23 ~~effectuate its powers, duties, and functions pursuant to the~~
24 ~~provisions of chapter 120.~~

25 Section 84. Section 373.171, Florida Statutes, is
26 amended to read:

27 373.171 Rules ~~and regulations~~.--

28 (1) In order to obtain the most beneficial use of the
29 water resources of the state and to protect the public health,
30 safety, and welfare and the interests of the water users
31 affected, governing boards, by action not inconsistent with

Amendment No. ____ (for drafter's use only)

1 the other provisions of this law and without impairing
2 property rights, may:

3 (a) Adopt ~~Establish~~ rules, ~~regulations,~~ or issue
4 orders affecting the use of water, as conditions warrant, and
5 forbidding the construction of new diversion facilities or
6 wells, the initiation of new water uses, or the modification
7 of any existing uses, diversion facilities, or storage
8 facilities within the affected area.

9 (b) Regulate the use of water within the affected area
10 by apportioning, limiting, or rotating uses of water or by
11 preventing those uses which the governing board finds have
12 ceased to be reasonable or beneficial.

13 (c) Issue orders and adopt rules pursuant to ss.
14 120.54 and 120.536(1) to implement the provisions of this
15 chapter ~~Make other rules, regulations, and orders necessary~~
16 ~~for the preservation of the interests of the public and of~~
17 ~~affected water users.~~

18 (2) In adopting ~~promulgating~~ rules and ~~regulations~~ and
19 issuing orders under this law, the governing board shall act
20 with a view to full protection of the existing rights to water
21 in this state insofar as is consistent with the purpose of
22 this law.

23 (3) No rule, ~~regulation~~ or order shall require any
24 modification of existing use or disposition of water in the
25 district unless it is shown that the use or disposition
26 proposed to be modified is detrimental to other water users or
27 to the water resources of the state.

28 (4) All rules ~~and regulations~~ adopted by the governing
29 board shall be filed with the Department of State as provided
30 in chapter 120. An information copy will be filed with the
31 Department of Environmental Protection.

Amendment No. ____ (for drafter's use only)

1 Section 85. Section 373.337, Florida Statutes, is
2 amended to read:

3 373.337 Rules.--The department shall, ~~by July 1, 1989,~~
4 adopt rules pursuant to ss. 120.54 and 120.536(1) to implement
5 the provisions of this part, providing each water management
6 district and representatives of the water well contracting
7 industry with meaningful opportunity to participate in the
8 development of the rules as they are drafted. The rules shall
9 be adopted by each water management district.

10 Section 86. Subsection (3) of section 373.418, Florida
11 Statutes, is amended to read:

12 373.418 Rulemaking; preservation of existing
13 authority.--

14 (3) The department or governing boards have authority
15 to may adopt ~~such~~ rules pursuant to ss. 120.54 and 120.536(1)
16 ~~as are necessary~~ to implement the provisions of this part.
17 Such rules shall be consistent with the water resource
18 implementation rule and shall not allow harm to water
19 resources or be contrary to the policy set forth in s.
20 373.016.

21 Section 87. Section 376.07, Florida Statutes, is
22 amended to read:

23 376.07 Regulatory powers of department; penalties for
24 inadequate booming by terminal facilities.--~~The department~~
25 ~~shall from time to time adopt, amend, repeal, and enforce~~
26 ~~reasonable rules insofar as they relate to discharges of~~
27 ~~pollutants into the waters of this state or onto the coasts of~~
28 ~~this state.~~

29 (1) The department shall adopt rules pursuant to ss.
30 120.54 and 120.536(1) to implement ss. 376.011-376.21 rules
31 ~~shall be adopted in accordance with the Administrative~~

Amendment No. ____ (for drafter's use only)

1 ~~Procedure Act, chapter 120.~~

2 (2) The department shall adopt rules including, but
3 not limited to, the following matters:

4 (a) Operation and inspection requirements for
5 discharge prevention, abatement, and cleanup capabilities of
6 terminal facilities and vessels, and other matters relating to
7 certification under ss. 376.011-376.21.

8 (b) Procedures and methods of reporting discharges and
9 other occurrences prohibited by ss. 376.011-376.21.

10 (c) Procedures, methods, means, and equipment to be
11 used by persons subject to regulation by ss. 376.011-376.21 in
12 the removal of pollutants.

13 (d) Development and implementation of criteria and
14 plans to meet pollution occurrences of various degrees and
15 kinds.

16 (e) Creation by contract or administrative action of a
17 state response team which shall be responsible for creating
18 and maintaining a contingency plan of response, organization,
19 and equipment for handling emergency cleanup operations and
20 wildlife rescue and rehabilitation operations. The state
21 plans shall include detailed emergency operating procedures
22 for the state as a whole, and the team shall from time to time
23 conduct practice alerts. These plans shall be filed with the
24 Governor and all Coast Guard stations in the state and Coast
25 Guard captains of the port having responsibility for
26 enforcement of federal pollution laws within the state. The
27 contingency plan shall include all necessary information for
28 the total containment and cleanup of pollution, including, but
29 not limited to, an inventory of equipment and its location, a
30 table of organization with the names, addresses, and telephone
31 numbers of all persons responsible for implementing every

Amendment No. ____ (for drafter's use only)

1 phase of the plan, including a plan for wildlife rescue and
2 rehabilitation operations, a list of available sources of
3 supplies necessary for cleanup, and a designation of priority
4 zones to determine the sequence and methods of cleanup. The
5 state response team shall act independently of agencies of the
6 Federal Government but is directed to cooperate with any
7 federal cleanup operation.

8 (f) Requirements for minimum weather and sea
9 conditions for permitting a vessel to enter port and for the
10 safety and operation of vessels, barges, tugs, motor vehicles,
11 motorized equipment, and other equipment relating to the use
12 and operation of terminals, facilities, and refineries, the
13 approach and departure from terminals, facilities, and
14 refineries, and requirements that containment gear approved by
15 the department be on hand and maintained by terminal
16 facilities and refineries with adequate personnel trained in
17 its use.

18 (g) Requirements that, prior to being granted entry
19 into any port in this state, the master of a vessel shall
20 report:

21 1. Any discharges of pollutants the vessel has had
22 since leaving the last port.

23 2. Any mechanical problem on the vessel which creates
24 the possibility of a discharge.

25 3. Any denial of entry into any port during the
26 current cruise of the vessel.

27 (h) Requirements that any terminal facility be subject
28 to a complete and thorough inspection whenever the terminal
29 facility causes or permits the discharge of a pollutant in
30 violation of the provisions of ss. 376.011-376.21, and at
31 other reasonable times. If the department determines there are

Amendment No. ____ (for drafter's use only)

1 unsatisfactory preventive measures or containment and cleanup
2 capabilities, it shall, within a reasonable time after notice
3 and hearing in compliance with chapter 120, suspend the
4 registration until such time as there is compliance with the
5 department requirements.

6 ~~(i) Such other rules as the exigencies of any~~
7 ~~condition may require or as may reasonably be necessary to~~
8 ~~carry out the intent of ss. 376.011-376.21.~~

9 (3) The department shall not require vessels to
10 maintain discharge prevention gear, holding tanks, and
11 containment gear which exceed federal requirements. However,
12 a terminal facility transferring heavy oil to or from a vessel
13 with a heavy oil storage capacity greater than 10,000 gallons
14 shall be required, considering existing weather and tidal
15 conditions, to adequately boom or seal off the transfer area
16 during a transfer, including, but not limited to, a bunkering
17 operation, to minimize the escape of such pollutants from the
18 containment area. As used in this subsection, the term
19 "adequate booming" means booming with proper containment
20 equipment which is employed and located for the purpose of
21 preventing, for the most likely discharge, as much of the
22 pollutant as possible from escaping out of the containment
23 area.

24 (a) The owner or operator of a terminal facility
25 involved in the transfer of such pollutant to or from a vessel
26 which is not adequately boomed commits a noncriminal
27 infraction and shall be cited for such infraction. The civil
28 penalty for such an infraction shall be \$2,500, except as
29 otherwise provided in this section.

30 (b) Any person cited for an infraction under this
31 section may:

Amendment No. ____ (for drafter's use only)

- 1 1. Pay the civil penalty;
- 2 2. Post bond equal to the amount of the applicable
- 3 civil penalty; or
- 4 3. Sign and accept a citation indicating a promise to
- 5 appear before the county court.

6
7 The officer authorized to issue these citations may indicate
8 on the citation the time and location of the scheduled hearing
9 and shall indicate the applicable civil penalty.

10 (c) Any person who willfully refuses to post bond or
11 accept and sign a citation commits a misdemeanor of the second
12 degree, punishable as provided in s. 775.082 or s. 775.083.

13 (d) After compliance with subparagraph (b)2. or
14 subparagraph (b)3., any person charged with a noncriminal
15 infraction under this section may:

- 16 1. Pay the civil penalty, either by mail or in person,
- 17 within 30 days after the date of receiving the citation; or
- 18 2. If the person has posted bond, forfeit the bond by
- 19 not appearing at the designated time and location.

20
21 A person cited for an infraction under this section who pays
22 the civil penalty or forfeits the bond has admitted the
23 infraction and waives the right to a hearing on the issue of
24 commission of the infraction. Such admission may not be used
25 as evidence in any other proceedings.

26 (e) Any person who elects to appear before the county
27 court or who is required to appear waives the limitations of
28 the civil penalty specified in paragraph (a). The issue of
29 whether an infraction has been committed and the severity of
30 the infraction shall be determined by a hearing official at a
31 hearing. If the commission of the infraction is proved by the

Amendment No. ____ (for drafter's use only)

1 greater weight of the evidence, the court shall impose a civil
2 penalty of \$2,500. If the court determines that the owner or
3 operator of the terminal facility failed to deploy any boom
4 equipment during such a transfer, including, but not limited
5 to, a bunkering operation, the civil penalty shall be \$5,000.

6 (f) A person who is found by the hearing official to
7 have committed an infraction may appeal that finding to the
8 circuit court.

9 (g) Any person who has not posted bond and who fails
10 either to pay the civil penalty specified in paragraph (a)
11 within 30 days after receipt of the citation or to appear
12 before the court commits a misdemeanor of the second degree,
13 punishable as provided in s. 775.082 or s. 775.083.

14 Section 88. Section 377.22, Florida Statutes, is
15 amended to read:

16 377.22 ~~Rules, regulations, and orders.--~~

17 (1) The department shall provide, by rule ~~rules and~~
18 ~~regulations~~, for ratable takings in all pools on a reasonable
19 and equitable basis.

20 (2) The department shall ~~adopt such rules and~~
21 ~~regulations, and shall issue such orders and adopt rules~~
22 pursuant to ss. 120.54 and 120.536(1) to implement and enforce
23 the provisions of, governing all phases of the exploration,
24 drilling, and production of oil, gas, or other petroleum
25 products in the state, including exploration, drilling, and
26 production in the offshore waters of the state as may be
27 necessary for the proper administration and enforcement of
28 this chapter. Such rules, regulations, and orders shall
29 ensure that all precautions are taken to prevent the spillage
30 of oil or any other pollutant in all phases of the drilling
31 for, and extracting of, oil, gas, or other petroleum products.

Amendment No. ____ (for drafter's use only)

1 The department shall revise such rules ~~and regulations~~ from
2 time to time as ~~may be~~ necessary for the proper administration
3 and enforcement of this chapter. Rules adopted, ~~regulations~~,
4 and orders issued ~~promulgated~~ in accordance with this section
5 shall be for, but shall not be limited to, the following
6 purposes:

7 (a) To require the drilling, casing, and plugging of
8 wells to be done in such a manner as to prevent the pollution
9 of the fresh, salt, or brackish waters or the lands of the
10 state.

11 (b) To prevent the alteration of the sheet flow of
12 water in any area.

13 (c) To require that appropriate safety equipment be
14 installed to minimize the possibility of an escape of oil or
15 other petroleum products in the event of accident, human
16 error, or a natural disaster during drilling, casing, or
17 plugging of any well and during extraction operations.

18 (d) To require the drilling, casing, and plugging of
19 wells to be done in such a manner as to prevent the escape of
20 oil or other petroleum products from one stratum to another.

21 (e) To prevent the intrusion of water into an oil or
22 gas stratum from a separate stratum, except as provided by
23 rules of the division relating to the injection of water for
24 proper reservoir conservation and brine disposal.

25 (f) To require a reasonable bond, or other form of
26 security acceptable to the department, conditioned upon the
27 performance of the duty to plug properly each dry and
28 abandoned well and the full and complete restoration by the
29 applicant of the area over which geophysical exploration,
30 drilling, or production is conducted to the similar contour
31 and general condition in existence prior to such operation.

Amendment No. ____ (for drafter's use only)

1 (g) To require and carry out a reasonable program of
2 monitoring or inspection of all drilling operations or
3 producing wells, including regular inspections by division
4 personnel.

5 (h) To require the making of reports showing the
6 location of all oil and gas wells; the making and filing of
7 logs; the taking and filing of directional surveys; the filing
8 of electrical, sonic, radioactive, and mechanical logs of oil
9 and gas wells; if taken, the saving of cutting and cores, the
10 cuts of which shall be given to the Bureau of Geology; and the
11 making of reports with respect to drilling and production
12 records. However, such information, or any part thereof, at
13 the request of the operator, shall be exempt from the
14 provisions of s. 119.07(1) and held confidential by the
15 division for a period of 1 year after the completion of a
16 well.

17 (i) To prevent wells from being drilled, operated, or
18 produced in such a manner as to cause injury to neighboring
19 leases or property.

20 (j) To prevent the drowning by water of any stratum,
21 or part thereof, capable of producing oil or gas in paying
22 quantities and to prevent the premature and irregular
23 encroachment of water which reduces, or tends to reduce, the
24 total ultimate recovery of oil or gas from any pool.

25 (k) To require the operation of wells with efficient
26 gas-oil ratio, and to fix such ratios.

27 (l) To prevent "blowouts," "caving," and "seepage," in
28 the sense that conditions indicated by such terms are
29 generally understood in the oil and gas business.

30 (m) To prevent fires.

31 (n) To identify the ownership of all oil or gas wells,

Amendment No. ____ (for drafter's use only)

1 producing leases, refineries, tanks, plants, structures, and
2 storage and transportation equipment and facilities.

3 (o) To regulate the "shooting," perforating and
4 chemical treatment of wells.

5 (p) To regulate secondary recovery methods, including
6 the introduction of gas, air, water, or other substance into
7 producing formations.

8 (q) To regulate gas cycling operations.

9 (r) If necessary for the prevention of waste, as
10 herein defined, to determine, limit, and prorate the
11 production of oil or gas, or both, from any pool or field in
12 the state.

13 (s) To require, either generally or in or from
14 particular areas, certificates of clearance or tenders in
15 connection with the transportation or delivery of oil or gas,
16 or any product.

17 (t) To regulate the spacing of wells and to establish
18 drilling units.

19 (u) To prevent, so far as is practicable, reasonably
20 avoidable drainage from each developed unit which is not
21 equalized by counterdrainage.

22 (v) To require that geophysical operations requiring a
23 permit be conducted in a manner which will minimize the impact
24 on hydrology and biota of the area, especially environmentally
25 sensitive lands and coastal areas.

26 (w) To regulate aboveground crude oil storage tanks in
27 a manner which will protect the water resources of the state.

28 (x) To act in a receivership capacity for fractional
29 mineral interests for which the owners are unknown or
30 unlocated and to administratively designate the operator as
31 the lessee.

Amendment No. ____ (for drafter's use only)

1 Section 89. Paragraph (g) of subsection (3) of section
2 377.703, Florida Statutes, is amended to read:

3 377.703 Additional functions of the Department of
4 Community Affairs; energy emergency contingency plan; federal
5 and state conservation programs.--

6 (3) DEPARTMENT OF COMMUNITY AFFAIRS; DUTIES.--The
7 Department of Community Affairs shall, in addition to assuming
8 the duties and responsibilities provided by ss. 20.18 and
9 377.701, perform the following functions consistent with the
10 development of a state energy policy:

11 (g) The department has authority to adopt rules
12 pursuant to ss. 120.54 and 120.536(1) to implement the
13 provisions of ~~is authorized to make any rules or regulations~~
14 ~~pursuant to chapter 120 as are necessary to carry out the~~
15 ~~purposes of~~ this act.

16 Section 90. Paragraph (d) of subsection (1) of section
17 378.205, Florida Statutes, is amended to read:

18 378.205 Administration; powers and duties of the
19 department; agency review responsibility.--

20 (1) The department shall administer the provisions of
21 this part and shall have the following powers and duties:

22 (d) To adopt ~~those~~ rules pursuant to ss. 120.54 and
23 120.536(1) ~~necessary~~ to implement the provisions of ~~administer~~
24 this part.

25 Section 91. Subsection (1) of section 378.404, Florida
26 Statutes, is amended to read:

27 378.404 Department of Environmental Protection; powers
28 and duties.--The department shall have the following powers
29 and duties:

30 (1) To adopt rules pursuant to ss. 120.54 and
31 120.536(1) ~~procedural rules~~ to implement the provisions of

Amendment No. ____ (for drafter's use only)

1 this part.

2 Section 92. Paragraph (c) of subsection (22) of
3 section 380.05, Florida Statutes, is amended to read:

4 380.05 Areas of critical state concern.--

5 (22) All state agencies with rulemaking authority for
6 programs that affect a designated area of critical state
7 concern shall review those programs for consistency with the
8 purpose of the designation and principles for guiding
9 development, and shall adopt specific permitting standards and
10 criteria applicable in the designated area, or otherwise amend
11 the program, as necessary to further the purpose of the
12 designation.

13 (c) The Administration Commission has authority to may
14 adopt rules pursuant to ss. 120.54 and 120.536(1) to implement
15 the provisions of this subsection.

16 Section 93. Paragraph (f) of subsection (4) of section
17 380.0651, Florida Statutes, is amended to read:

18 380.0651 Statewide guidelines and standards.--

19 (4) Two or more developments, represented by their
20 owners or developers to be separate developments, shall be
21 aggregated and treated as a single development under this
22 chapter when they are determined to be part of a unified plan
23 of development and are physically proximate to one other.

24 (f) ~~Pursuant to chapter 120,~~The state land planning
25 agency has authority to adopt rules pursuant to ss. 120.54 and
26 120.536(1) to implement the provisions of ~~shall adopt rules as~~
27 ~~necessary to implement~~ this subsection.

28 Section 94. Subsection (13) of section 381.0011,
29 Florida Statutes, is amended to read:

30 381.0011 Duties and powers of the Department of
31 Health.--It is the duty of the Department of Health to:

Amendment No. ____ (for drafter's use only)

1 (13) ~~Adopt, repeal, and amend~~ rules pursuant to ss.
2 120.54 and 120.536(1) to implement the provisions of law
3 conferring duties upon it ~~consistent with law~~. This
4 subsection does not authorize the department to require a
5 permit or license unless such requirement is specifically
6 provided by law.

7 Section 95. Section 384.33, Florida Statutes, is
8 amended to read:

9 384.33 Rules.--The department may adopt rules pursuant
10 to ss. 120.54 and 120.536(1) to implement ~~carry out~~ the
11 provisions of this chapter.

12 Section 96. Subsection (12) of section 391.026,
13 Florida Statutes, is amended to read:

14 391.026 Powers and duties of the department.--To
15 administer its programs of children's medical services, the
16 department shall have the following powers, duties, and
17 responsibilities:

18 (12) To adopt rules pursuant to ss. 120.54 and
19 120.536(1) to implement ~~make rules to carry out~~ the provisions
20 of this act.

21 Section 97. Section 392.66, Florida Statutes, is
22 amended to read:

23 392.66 Rules.--The department shall adopt rules
24 pursuant to ss. 120.54 and 120.536(1) to implement ~~carry out~~
25 the provisions of this chapter.

26 Section 98. Subsection (1) of section 394.879, Florida
27 Statutes, is amended to read:

28 394.879 Rules; enforcement.--

29 (1) The department shall adopt ~~reasonable~~ rules
30 pursuant to ss. 120.54 and 120.536(1) to implement the
31 provisions of this chapter, including, at a minimum, rules

Amendment No. ____ (for drafter's use only)

1 providing standards to ensure that:

2 (a) Sufficient numbers and types of qualified
3 personnel are on duty and available at all times to provide
4 necessary and adequate client safety and care.

5 (b) Adequate space is provided each client of a
6 licensed facility.

7 (c) Licensed facilities are limited to an appropriate
8 number of beds.

9 (d) Each licensee establishes and implements adequate
10 infection control, housekeeping, sanitation, disaster
11 planning, and medical recordkeeping.

12 (e) Licensed facilities are established, organized,
13 and operated in accordance with programmatic standards of the
14 department.

15 Section 99. Subsection (1) of section 395.1055,
16 Florida Statutes, is amended to read:

17 395.1055 Rules and enforcement.--

18 (1) The agency shall ~~adopt, amend, promulgate, and~~
19 ~~enforce~~ rules pursuant to ss. 120.54 and 120.536(1) to
20 implement the provisions of this part, which shall include
21 reasonable and fair minimum standards for ensuring that:

22 (a) Sufficient numbers and qualified types of
23 personnel and occupational disciplines are on duty and
24 available at all times to provide necessary and adequate
25 patient care and safety.

26 (b) Infection control, housekeeping, sanitary
27 conditions, and medical record procedures that will adequately
28 protect patient care and safety are established and
29 implemented.

30 (c) A comprehensive emergency management plan is
31 prepared and updated annually. Such standards must be

Amendment No. ____ (for drafter's use only)

1 included in the rules adopted by the agency after consulting
2 with the Department of Community Affairs. At a minimum, the
3 rules must provide for plan components that address emergency
4 evacuation transportation; adequate sheltering arrangements;
5 postdisaster activities, including emergency power, food, and
6 water; postdisaster transportation; supplies; staffing;
7 emergency equipment; individual identification of residents
8 and transfer of records, and responding to family inquiries.
9 The comprehensive emergency management plan is subject to
10 review and approval by the local emergency management agency.
11 During its review, the local emergency management agency shall
12 ensure that the following agencies, at a minimum, are given
13 the opportunity to review the plan: the Department of Elderly
14 Affairs, the Department of Health and Rehabilitative Services,
15 the Agency for Health Care Administration, and the Department
16 of Community Affairs. Also, appropriate volunteer
17 organizations must be given the opportunity to review the
18 plan. The local emergency management agency shall complete
19 its review within 60 days and either approve the plan or
20 advise the facility of necessary revisions.

21 (d) Facilities are structurally capable of serving as
22 shelters and equipped to be self-supporting during and
23 immediately following disasters.

24 (e) Construction, maintenance, repair, lifesafety, and
25 renovation of licensed facilities are governed by the most
26 recently adopted, nationally recognized lifesafety code,
27 except as may be specifically modified by rule.

28 (f) Licensed facilities are established, organized,
29 and operated consistent with established standards and rules.

30 (g) Licensed facility beds conform to minimum space,
31 equipment, and furnishings standards as specified by the

Amendment No. ____ (for drafter's use only)

1 department.

2 (h) All hospitals submit such data as necessary to
3 conduct certificate-of-need reviews required under ss.
4 408.031-408.045. Such data shall include, but shall not be
5 limited to, patient origin data, hospital utilization data,
6 type of service reporting, and facility staffing data. The
7 agency shall not collect data that identifies or could
8 disclose the identity of individual patients. The agency shall
9 utilize existing uniform statewide data sources when available
10 and shall minimize reporting costs to hospitals.

11 (i) Each hospital has a quality improvement program
12 designed according to standards established by their current
13 accrediting organization. This program will enhance quality of
14 care and emphasize quality patient outcomes, corrective action
15 for problems, governing board review, and reporting to the
16 agency of standardized data elements necessary to analyze
17 quality of care outcomes. The agency shall use existing data,
18 when available, and shall not duplicate the efforts of other
19 state agencies in order to obtain such data.

20 Section 100. Subsection (7) of section 403.061,
21 Florida Statutes, is amended to read:

22 403.061 Department; powers and duties.--The department
23 shall have the power and the duty to control and prohibit
24 pollution of air and water in accordance with the law and
25 rules adopted and promulgated by it and, for this purpose, to:

26 (7) Adopt rules pursuant to ss. 120.54 and 120.536(1)
27 to implement the provisions of, ~~modify, and repeal rules and~~
28 ~~regulations to carry out the intent and purposes of this act.~~
29 Any rule ~~or regulation~~ adopted pursuant to this act shall be
30 consistent with the provisions of federal law, if any,
31 relating to control of emissions from motor vehicles, effluent

Amendment No. ____ (for drafter's use only)

1 limitations, pretreatment requirements, or standards of
2 performance. No county, municipality, or political subdivision
3 shall adopt or enforce any local ordinance, special law, or
4 local regulation requiring the installation of Stage II vapor
5 recovery systems, as currently defined by department rule,
6 unless such county, municipality, or political subdivision is
7 or has been in the past designated by federal regulation as a
8 moderate, serious, or severe ozone nonattainment area. Rules
9 adopted pursuant to this act shall not require dischargers of
10 waste into waters of the state to improve natural background
11 conditions. Discharges from steam electric generating plants
12 existing or licensed under this chapter on July 1, 1984, shall
13 not be required to be treated to a greater extent than may be
14 necessary to assure that the quality of nonthermal components
15 of discharges from nonrecirculated cooling water systems is as
16 high as the quality of the makeup waters; that the quality of
17 nonthermal components of discharges from recirculated cooling
18 water systems is no lower than is allowed for blowdown from
19 such systems; or that the quality of noncooling system
20 discharges which receive makeup water from a receiving body of
21 water which does not meet applicable department water quality
22 standards is as high as the quality of the receiving body of
23 water. The department may not adopt standards more stringent
24 than federal regulations, except as provided in s. 403.804.

25
26 The department shall implement such programs in conjunction
27 with its other powers and duties and shall place special
28 emphasis on reducing and eliminating contamination that
29 presents a threat to humans, animals or plants, or to the
30 environment.

31 Section 101. Paragraph (a) of subsection (5) and

Amendment No. ____ (for drafter's use only)

1 subsection (10) of section 403.1835, Florida Statutes, are
2 amended to read:

3 403.1835 Sewage treatment facilities revolving loan
4 program.--

5 (5)(a) The department has authority to adopt rules
6 pursuant to ss. 120.54 and 120.536(1) to implement the
7 provisions of ~~is authorized to make rules necessary to carry~~
8 ~~out the purpose of~~ this section, including rules to administer
9 the state revolving fund authorized pursuant to the Federal
10 Water Pollution Control Act, as amended.

11 (10)~~(a)~~ Because the Legislature has experienced
12 revenue shortfalls in recent years and has been unable to
13 provide enough funds to fully match available federal funds to
14 help capitalize the Sewage Treatment Revolving Loan Fund, it
15 is necessary for innovative approaches to be considered to
16 help capitalize the revolving loan fund. The department shall
17 evaluate potential innovative approaches that can generate
18 funds to match available federal funds. The department shall
19 consider, among other possible alternatives, the option of
20 implementing by rule a program to allow local governments to
21 offer funds voluntarily to the state for use as a match to
22 available federal funds to capitalize the state sewage
23 treatment revolving loan fund.

24 ~~(b) The department may adopt rules necessary to~~
25 ~~administer this section.~~

26 Section 102. Subsection (1) of section 403.504,
27 Florida Statutes, is amended to read:

28 403.504 Department of Environmental Protection; powers
29 and duties enumerated.--The department shall have the
30 following powers and duties in relation to this act:

31 (1) To adopt, ~~promulgate, or amend reasonable~~ rules

Amendment No. ____ (for drafter's use only)

1 pursuant to ss. 120.54 and 120.536(1)to implement the
2 provisions of this act, including rules setting forth
3 environmental precautions to be followed in relation to the
4 location and operation of electrical power plants.

5 Section 103. Subsection (1) of section 403.523,
6 Florida Statutes, is amended to read:

7 403.523 Department of Environmental Protection; powers
8 and duties.--The department shall have the following powers
9 and duties:

10 (1) To adopt ~~or amend reasonable~~ procedural rules
11 pursuant to ss. 120.54 and 120.536(1)to implement the
12 provisions of this act and to adopt or amend rules to
13 implement the provisions of subsection (10).

14 Section 104. Subsection (15) of section 403.704,
15 Florida Statutes, is amended to read:

16 403.704 Powers and duties of the department.--The
17 department shall have responsibility for the implementation
18 and enforcement of the provisions of this act. In addition to
19 other powers and duties, the department shall:

20 (15) ~~Adopt, repeal, or amend~~ rules pursuant to ss.
21 120.54 and 120.536(1)to implement, ~~administer~~,and enforce
22 the provisions of this act, including requirements for the
23 classification, construction, operation, maintenance, and
24 closure of solid waste management facilities and requirements
25 for, and conditions on, solid waste disposal in this state,
26 whether such solid waste is generated within this state or
27 outside this state as long as such requirements and conditions
28 are not based on the out-of-state origin of the waste and are
29 consistent with applicable provisions of law. When classifying
30 solid waste management facilities, the department shall
31 consider the hydrogeology of the site for the facility, the

Amendment No. ____ (for drafter's use only)

1 types of wastes to be handled by the facility, and methods
2 used to control the types of waste to be handled by the
3 facility and shall seek to minimize the adverse effects of
4 solid waste management on the environment. Whenever the
5 department adopts any rule stricter or more stringent than one
6 which has been set by the United States Environmental
7 Protection Agency, the procedures set forth in s. 403.804(2)
8 shall be followed. The department shall not, however, adopt
9 hazardous waste rules for solid waste for which special
10 studies were required prior to October 1, 1988, under s. 8002
11 of the Resource Conservation and Recovery Act, 42 U.S.C. s.
12 6982, as amended, until the studies are completed by the
13 United States Environmental Protection Agency and the
14 information is available to the department for consideration
15 in adopting its own rule.

16 Section 105. Subsection (4) of section 403.716,
17 Florida Statutes, is amended to read:

18 403.716 Training of operators of solid waste
19 management and other facilities.--

20 (4) The department has authority to ~~may~~ adopt ~~rules~~
21 ~~and~~ minimum standards and other rules pursuant to ss. 120.54
22 and 120.536(1) to implement ~~to effectuate~~ the provisions of
23 this section. The department shall ~~and to~~ ensure the safe,
24 healthy, and lawful operation of solid waste management
25 facilities in this state. The department may establish by
26 rule various classifications for operators to cover the need
27 for differing levels of training required to operate various
28 types of solid waste management facilities due to different
29 operating requirements at such facilities.

30 Section 106. Subsection (1) of section 403.805,
31 Florida Statutes, is amended to read:

Amendment No. ____ (for drafter's use only)

1 403.805 Secretary; powers and duties.--

2 (1) The secretary shall have the powers and duties of
3 heads of departments set forth in chapter 20, including the
4 authority ~~power~~ to adopt rules pursuant to ss. 120.54 and
5 120.536(1) to implement the provisions of ~~under~~ chapters 253,
6 373, and 376, and this chapter. The secretary shall have
7 rulemaking responsibility under chapter 120, but shall submit
8 any proposed rule containing standards to the Environmental
9 Regulation Commission for approval, modification, or
10 disapproval pursuant to s. 403.804. The secretary shall
11 employ legal counsel to represent the department in matters
12 affecting the department. Except for appeals on permits
13 specifically assigned by this act to the Governor and Cabinet,
14 and unless otherwise prohibited by law, the secretary may
15 delegate the authority assigned to the department by this act
16 to the assistant secretary, division directors, and district
17 and branch office managers and to the water management
18 districts.

19 Section 107. Subsection (9) of section 403.861,
20 Florida Statutes, is amended to read:

21 403.861 Department; powers and duties.--The department
22 shall have the power and the duty to carry out the provisions
23 and purposes of this act and, for this purpose, to:

24 (9) Adopt rules pursuant to ss. 120.54 and 120.536(1)
25 to implement the provisions of, ~~modify, and repeal such rules~~
26 ~~as are necessary or appropriate to carry out its functions~~
27 ~~under~~ this act.

28 Section 108. Section 403.869, Florida Statutes, is
29 amended to read:

30 403.869 Authority to adopt rules.--The department may
31 adopt rules pursuant to ss. 120.54 and 120.536(1) ~~necessary~~ to

Amendment No. ____ (for drafter's use only)

1 implement ~~carry out~~ the provisions of ss. 403.865-403.876.

2 Section 109. Subsection (1) of section 403.9404,
3 Florida Statutes, is amended to read:

4 403.9404 Department of Environmental Protection;
5 powers and duties.--The Department of Environmental Protection
6 shall have the following powers and duties:

7 (1) To adopt ~~or amend reasonable~~ procedural rules
8 pursuant to ss. 120.54 and 120.536(1) to implement the
9 provisions of ss. 403.9401-403.9425 and to adopt ~~or amend~~
10 rules to implement the provisions of subsection (8).

11 Section 110. Section 406.04, Florida Statutes, is
12 amended to read:

13 406.04 ~~Rules and regulations.~~--The commission shall
14 adopt rules pursuant to ss. 120.54 and 120.536(1) to implement
15 the provisions of ~~promulgate rules and regulations, pursuant~~
16 ~~to chapter 120, necessary to effectuate this chapter. The~~
17 commission shall ~~and to~~ ensure minimum and uniform standards
18 of excellence, performance of duties, and maintenance of
19 records so as to provide useful and adequate information to
20 the state in regard to causative factors of those deaths
21 investigated.

22 Section 111. Subsection (8) of section 408.15, Florida
23 Statutes, is amended to read:

24 408.15 Powers of the agency.--In addition to the
25 powers granted to the agency elsewhere in this chapter, the
26 agency is authorized to:

27 (8) Adopt rules pursuant to ss. 120.54 and 120.536(1)
28 to implement, ~~amend, and repeal all rules necessary to carry~~
29 ~~out~~ the provisions of this chapter.

30 Section 112. Section 414.45, Florida Statutes, is
31 amended to read:

Amendment No. ____ (for drafter's use only)

1 414.45 Rulemaking.--The department has authority to
2 ~~may adopt, amend, or repeal~~ rules pursuant to ss. 120.54 and
3 ~~120.536(1), as provided in chapter 120,~~ to implement and,
4 ~~enforce the provisions of, and interpret~~ this chapter. The
5 Department of Labor and Employment Security may adopt, ~~amend,~~
6 ~~or repeal~~ rules pursuant to ss. 120.54 and 120.536(1), ~~as~~
7 ~~provided in chapter 120,~~ to implement and, enforce the
8 ~~provisions of, and interpret~~ this chapter. The rules must
9 provide protection against discrimination and the opportunity
10 for a participant to request a review by a supervisor or
11 administrator of any decision made by a panel or board of the
12 department, the Department of Labor and Employment Security,
13 or the WAGES Program.

14 Section 113. Subsection (10) of section 427.013,
15 Florida Statutes, is amended to read:

16 427.013 The Commission for the Transportation
17 Disadvantaged; purpose and responsibilities.--The purpose of
18 the commission is to accomplish the coordination of
19 transportation services provided to the transportation
20 disadvantaged. The goal of this coordination shall be to
21 assure the cost-effective provision of transportation by
22 qualified community transportation coordinators or
23 transportation operators for the transportation disadvantaged
24 without any bias or presumption in favor of multioperator
25 systems or not-for-profit transportation operators over single
26 operator systems or for-profit transportation operators. In
27 carrying out this purpose, the commission shall:

28 (10) Adopt rules pursuant to ss. 120.54 and 120.536(1)
29 ~~Develop and monitor rules and procedures~~ to implement the
30 provisions of ss. 427.011-427.017.

31 Section 114. Section 430.08, Florida Statutes, is

Amendment No. ____ (for drafter's use only)

1 amended to read:

2 430.08 Rulemaking.--The department shall adopt, ~~amend,~~
3 ~~or rescind such rules pursuant to ss. 120.54 and 120.536(1) to~~
4 implement as it deems necessary to carry out the provisions of
5 this chapter.

6 Section 115. Section 440.591, Florida Statutes, is
7 amended to read:

8 440.591 Administrative procedure; rulemaking
9 authority.--The division has authority to adopt rules pursuant
10 to ss. 120.54 and 120.536(1) to implement the provisions of
11 ~~shall have the authority to adopt rules to govern the~~
12 ~~performance of any programs, duties, or responsibilities with~~
13 ~~which it is charged under this chapter~~ conferring duties upon
14 it.

15 Section 116. Paragraph (a) of subsection (2) of
16 section 443.171, Florida Statutes, is amended to read:

17 443.171 Division and commission; powers and duties;
18 rules; advisory council; records and reports.--

19 (2) RULES; DIVISION, SEAL.--

20 (a) The division has authority to adopt rules pursuant
21 to ss. 120.54 and 120.536(1) to implement the provisions of
22 ~~shall have the power and authority to adopt, amend, or rescind~~
23 ~~such rules as are necessary for the administration of this~~
24 chapter.

25 Section 117. Subsection (5) of section 455.203,
26 Florida Statutes, is amended to read:

27 455.203 Department; powers and duties.--The
28 department, for the boards under its jurisdiction, shall:

29 (5) Adopt ~~all~~ rules pursuant to ss. 120.54 and
30 120.536(1) necessary to implement the provisions of ~~administer~~
31 this part.

Amendment No. ____ (for drafter's use only)

1 Section 118. Subsection (5) of section 455.521,
2 Florida Statutes, is amended to read:

3 455.521 Department; powers and duties.--The
4 department, for the boards under its jurisdiction, shall:

5 (5) Adopt ~~all~~ rules pursuant to ss. 120.54 and
6 120.536(1)~~necessary~~ to implement the provisions of ~~administer~~
7 this part.

8 Section 119. Section 457.104, Florida Statutes, is
9 amended to read:

10 457.104 Authority to make rules.--The board has
11 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
12 to implement provisions of ~~is authorized to make rules not~~
13 ~~inconsistent with law which are necessary to carry out the~~
14 ~~duties and authority conferred upon the board by this chapter~~
15 ~~conferring duties upon it.~~

16 Section 120. Subsection (1) of section 458.309,
17 Florida Statutes, is amended to read:

18 458.309 Authority to make rules.--

19 (1) The board has authority to adopt rules pursuant to
20 ss. 120.54 and 120.536(1) to implement the provisions of ~~is~~
21 ~~authorized to make such rules not inconsistent with law as may~~
22 ~~be necessary to carry out the duties and authority conferred~~
23 ~~upon the board by this chapter~~ conferring duties upon it ~~and~~
24 ~~as may be necessary to protect the health, safety, and welfare~~
25 ~~of the public.~~

26 Section 121. Section 459.005, Florida Statutes, is
27 amended to read:

28 459.005 Authority to make rules.--The board has
29 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
30 to implement the provisions of ~~is authorized to make such~~
31 ~~rules not inconsistent with law as may be necessary to carry~~

Amendment No. ____ (for drafter's use only)

1 ~~out the duties and authority conferred upon the board by this~~
2 ~~chapter conferring duties upon it and as may be necessary to~~
3 ~~protect the health, safety, and welfare of the public.~~

4 Section 122. Section 460.405, Florida Statutes, is
5 amended to read:

6 460.405 Authority to make rules.--The Board of
7 Chiropractic has authority to adopt rules pursuant to ss.
8 120.54 and 120.536(1) to implement the provisions of ~~is~~
9 ~~authorized to make such rules not inconsistent with law as are~~
10 ~~necessary to carry out the duties and authority conferred upon~~
11 ~~the board by this chapter conferring duties upon it.~~

12 Section 123. Section 461.005, Florida Statutes, is
13 amended to read:

14 461.005 Authority to make rules.--The Board of
15 Podiatric Medicine has authority to adopt rules pursuant to
16 ss. 120.54 and 120.536(1) to implement the provisions of ~~is~~
17 ~~authorized to make such rules not inconsistent with law as are~~
18 ~~necessary to carry out the duties and authority conferred upon~~
19 ~~the board by this chapter conferring duties upon it and as may~~
20 ~~be necessary to protect the health, safety, and welfare of the~~
21 ~~public.~~

22 Section 124. Subsection (1) of section 463.005,
23 Florida Statutes, is amended to read:

24 463.005 Authority of the board.--

25 (1) The Board of Optometry has authority to adopt
26 rules pursuant to ss. 120.54 and 120.536(1) to implement the
27 provisions of ~~is~~ authorized to make such rules not
28 ~~inconsistent with law as are necessary to carry out the duties~~
29 ~~and authority conferred upon the board by this chapter~~
30 conferring duties upon it. Such rules shall include, but not
31 be limited to, rules relating to:

Amendment No. ____ (for drafter's use only)

1 (a) Standards of practice, including, but not limited
2 to, those provided for in s. 463.0135.

3 (b) Minimum equipment which a licensed practitioner
4 shall at all times possess to engage in the practice of
5 optometry.

6 (c) Minimum procedures which shall constitute a visual
7 examination.

8 (d) Procedures for the safekeeping and transfer of
9 prescription files or case records upon the discontinuance of
10 practice.

11 (e) Supervision of supportive personnel.

12 (f) Courses and procedures for continuing education.

13 (g) Administration and prescription of topical ocular
14 pharmaceutical agents.

15 Section 125. Section 464.006, Florida Statutes, is
16 amended to read:

17 464.006 Authority to make rules.--The Board of Nursing
18 has authority to adopt rules pursuant to ss. 120.54 and
19 120.536(1) to implement the provisions of ~~is authorized to~~
20 ~~make such rules not inconsistent with law as are necessary to~~
21 ~~carry out the duties and authority conferred upon the board by~~
22 this chapter conferring duties upon it.

23 Section 126. Section 465.005, Florida Statutes, is
24 amended to read:

25 465.005 Authority to make rules.--The Board of
26 Pharmacy has authority to adopt rules pursuant to ss. 120.54
27 and 120.536(1) to implement the provisions of ~~is authorized to~~
28 ~~make such rules not inconsistent with law as are necessary to~~
29 ~~carry out the duties and authority conferred upon the board by~~
30 this chapter conferring duties upon it.

31 Section 127. Subsection (1) of section 465.022,

Amendment No. ____ (for drafter's use only)

1 Florida Statutes, is amended to read:

2 465.022 Pharmacies; general requirements; fees.--

3 (1) The board shall adopt ~~such~~ rules pursuant to ss.
4 120.54 and 120.536(1) to implement the provisions of this
5 chapter relating to pharmacies as are necessary to protect the
6 public health, safety, and welfare. Such rules shall include,
7 but shall not be limited to, rules relating to:

8 (a) General drug safety measures.

9 (b) Minimum standards for the physical facilities of
10 pharmacies.

11 (c) Safe storage of floor-stock drugs.

12 (d) Functions of a pharmacist in an institutional
13 pharmacy, consistent with the size and scope of the pharmacy.

14 (e) Procedures for the safe storage and handling of
15 radioactive drugs.

16 (f) Procedures for the distribution and disposition of
17 medicinal drugs distributed pursuant to s. 499.028.

18 (g) Procedures for transfer of prescription files and
19 medicinal drugs upon the change of ownership or closing of a
20 pharmacy.

21 (h) Minimum equipment which a pharmacy shall at all
22 times possess to fill prescriptions properly.

23 Section 128. Subsection (4) of section 466.004,
24 Florida Statutes, is amended to read:

25 466.004 Board of Dentistry.--

26 (4) The board is authorized to adopt ~~all~~ rules
27 pursuant to ss. 120.54 and 120.536(1)~~necessary~~ to implement
28 ~~carry out~~ the provisions of this chapter and chapter 455,
29 including the establishment of a fee to defray the cost of
30 duplicating any license certification or permit, not to exceed
31 \$10 per duplication.

Amendment No. ____ (for drafter's use only)

1 Section 129. Section 466.038, Florida Statutes, is
2 amended to read:

3 466.038 Rules.--The department ~~may~~, upon consultation
4 with the Board of Dentistry and industry representatives of
5 the dental laboratory profession, has authority to adopt rules
6 pursuant to ss. 120.54 and 120.536(1)~~promulgate all rules~~
7 ~~necessary~~ to enforce the provisions of this chapter pertaining
8 to and regulating dental laboratories.

9 Section 130. Section 467.005, Florida Statutes, is
10 amended to read:

11 467.005 Authority to make rules.--The department has
12 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
13 to implement the provisions of ~~is authorized to promulgate~~
14 ~~such rules not inconsistent with law as may be necessary to~~
15 ~~carry out the duties and authority conferred on the department~~
16 ~~by this chapter~~ conferring duties upon it ~~and as may be~~
17 ~~necessary to protect the health, safety, and welfare of the~~
18 ~~public~~. The rules shall include, but not be limited to, the
19 allowable scope of midwifery practice regarding use of
20 equipment, procedures, and medication.

21 Section 131. Paragraph (a) of subsection (4) of
22 section 468.1135, Florida Statutes, is amended to read:

23 468.1135 Board of Speech-Language Pathology and
24 Audiology.--

25 (4)(a) The board has authority to adopt rules pursuant
26 to ss. 120.54 and 120.536(1) to implement the provisions of ~~is~~
27 ~~authorized to adopt such rules not inconsistent with law as~~
28 ~~may be necessary to carry out the duties and authority~~
29 ~~conferred upon the board by this part~~ conferring duties upon
30 it.

31 Section 132. Subsection (1) of section 468.1685,

Amendment No. ____ (for drafter's use only)

1 Florida Statutes, is amended to read:

2 468.1685 Powers and duties of board and
3 department.--It is the function and duty of the board,
4 together with the department, to:

5 (1) Adopt rules pursuant to ss. 120.54 and 120.536(1)
6 to implement the provisions of ~~Make such rules not~~
7 ~~inconsistent with law as are necessary to carry out the duties~~
8 ~~and authority conferred upon the board by this part~~ conferring
9 duties upon the board.

10 Section 133. Section 468.204, Florida Statutes, is
11 amended to read:

12 468.204 Authority to adopt rules.--The board has
13 authority to may adopt such rules pursuant to ss. 120.54 and
14 120.536(1) to implement the provisions of ~~not inconsistent~~
15 ~~with law as may be necessary to carry out the duties and~~
16 ~~authority conferred upon the board by this part~~ conferring
17 duties upon it and as may be necessary to protect the health,
18 safety, and welfare of the public.

19 Section 134. Subsection (2) of section 468.384,
20 Florida Statutes, is amended to read:

21 468.384 Florida Board of Auctioneers.--

22 (2) The board has authority to may adopt such rules
23 pursuant to ss. 120.54 and 120.536(1) to implement the
24 provisions of, ~~not inconsistent with law, as may be necessary~~
25 ~~to carry out the duties and authority conferred upon the board~~
26 ~~by this act~~ conferring duties upon it and as may be necessary
27 to protect the health, safety, and welfare of the public.

28 Section 135. Subsection (3) of section 468.402,
29 Florida Statutes, is amended to read:

30 468.402 Duties of the department; authority to issue
31 and revoke license; adoption of rules.--

Amendment No. ____ (for drafter's use only)

1 (3) The department has authority to may adopt
2 ~~reasonable~~ rules pursuant to ss. 120.54 and 120.536(1) to
3 implement the provisions of ~~for its own government in the~~
4 ~~exercise of its powers under this part and for the conduct of~~
5 ~~the business of talent agencies as specified by this part, and~~
6 ~~the department may amend such rules at its pleasure.~~

7 Section 136. Section 468.507, Florida Statutes, is
8 amended to read:

9 468.507 Authority to adopt rules.--The board has
10 authority to may adopt ~~such~~ rules pursuant to ss. 120.54 and
11 120.536(1) to implement the provisions of ~~not inconsistent~~
12 ~~with law as may be necessary to carry out the duties and~~
13 ~~authority conferred upon the board by this part and chapter~~
14 455 conferring duties upon it. The powers and duties of the
15 board as set forth in this part shall in no way limit or
16 interfere with the powers and duties of the board as set forth
17 in chapter 458. All powers and duties of the board set forth
18 in this part shall be supplemental and additional powers and
19 duties to those conferred upon the board by chapter 458.

20 Section 137. Section 468.522, Florida Statutes, is
21 amended to read:

22 468.522 Rules of the board.--The board has authority
23 to shall adopt ~~all~~ rules pursuant to ss. 120.54 and 120.536(1)
24 necessary to implement the provisions of ~~administer~~ this part.
25 Every licensee shall be governed and controlled by this part
26 and the rules adopted by the board.

27 Section 138. Subsection (1) of section 468.606,
28 Florida Statutes, is amended to read:

29 468.606 Authority of the board.--The board is
30 authorized to:

31 (1) Adopt rules pursuant to ss. 120.54 and 120.536(1)

Amendment No. ____ (for drafter's use only)

1 ~~as necessary to implement~~ carry out the provisions of this
2 part.

3 Section 139. Section 468.705, Florida Statutes, is
4 amended to read:

5 468.705 Rulemaking authority.--The department is
6 authorized to adopt ~~such~~ rules pursuant to ss. 120.54 and
7 120.536(1) to implement provisions of not inconsistent with
8 ~~law as may be necessary to carry out the duties and authority~~
9 ~~conferred on the department by this part~~ conferring duties
10 upon it and as may be necessary to protect the health, safety,
11 ~~and welfare of the public.~~ Such rules shall include, but not
12 be limited to, the allowable scope of practice regarding the
13 use of equipment, procedures, and medication.

14 Section 140. Section 468.802, Florida Statutes, is
15 amended to read:

16 468.802 Authority to adopt rules.--The board shall
17 adopt rules pursuant to ss. 120.54 and 120.536(1) to implement
18 the provisions of ~~administer~~ this act, including rules
19 relating to standards of practice for orthotists,
20 prosthetists, and pedorthists.

21 Section 141. Subsection (1) of section 470.005,
22 Florida Statutes, is amended to read:

23 470.005 Rulemaking authority of board and
24 department.--

25 (1) The board has authority to adopt rules pursuant to
26 ss. 120.54 and 120.536(1) to implement the provisions of is
27 ~~authorized to adopt rules not inconsistent with law as may be~~
28 ~~necessary to carry out the duties and authority conferred upon~~
29 ~~the board by this chapter~~ conferring duties upon it and as may
30 ~~be necessary to protect the health, safety, and welfare of the~~
31 ~~public.~~ The department has authority to adopt rules pursuant

Amendment No. ____ (for drafter's use only)

1 to ss. 120.54 and 120.536(1) to implement the provisions of is
2 ~~authorized to adopt rules not inconsistent with law as may be~~
3 ~~necessary to carry out the duties and authority conferred upon~~
4 ~~the department by this chapter~~ conferring duties upon it ~~and~~
5 ~~as may be necessary to protect the health, safety, and welfare~~
6 ~~of the public.~~

7 Section 142. Section 471.008, Florida Statutes, is
8 amended to read:

9 471.008 Rules of the board.--The board has authority
10 to may adopt such rules pursuant to ss. 120.54 and 120.536(1)
11 to implement provisions of ~~not inconsistent with law as may be~~
12 ~~necessary to carry out the duties and authority conferred upon~~
13 ~~the board by this chapter or chapter 455~~ conferring duties
14 upon it.

15 Section 143. Section 472.008, Florida Statutes, is
16 amended to read:

17 472.008 Rules of the board.--The board has authority
18 to adopt rules pursuant to ss. 120.54 and 120.536(1) to
19 implement the provisions of ~~shall adopt such rules not~~
20 ~~inconsistent with law as may be necessary to carry out the~~
21 ~~duties and authority conferred upon the board by this chapter~~
22 conferring duties upon it.

23 Section 144. Subsection (1) of section 473.304,
24 Florida Statutes, is amended to read:

25 473.304 Rules of board; powers and duties; legal
26 services.--

27 (1) The board shall adopt ~~all~~ rules pursuant to ss.
28 120.54 and 120.536(1)~~necessary~~ to implement the provisions of
29 ~~administer~~ this act. Every licensee shall be governed and
30 controlled by this act and the rules adopted by the board.

31 Section 145. Section 474.206, Florida Statutes, is

Amendment No. ____ (for drafter's use only)

1 amended to read:

2 474.206 Authority to make rules.--The board has
3 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
4 to implement the provisions of ~~is authorized to make such~~
5 ~~rules not inconsistent with law as may be necessary to carry~~
6 ~~out the duties and authority conferred upon the board by this~~
7 ~~chapter~~ conferring duties upon it ~~and as may be necessary to~~
8 ~~protect the health, safety, and welfare of the public.~~

9 Section 146. Section 475.05, Florida Statutes, is
10 amended to read:

11 475.05 Power of commission to enact bylaws and ~~rules,~~
12 ~~and regulations~~ and decide questions of practice.--The
13 commission may enact bylaws ~~and regulations~~ for its own
14 government and adopt rules pursuant to ss. 120.54 and
15 120.536(1) to implement the provisions of law conferring
16 powers or duties upon it ~~rules in the exercise of its powers,~~
17 ~~not in conflict with the constitution and laws of the United~~
18 ~~States or of this state, and amend the same at its pleasure.~~
19 The commission may decide questions of practice arising in the
20 proceedings before it, having regard to this chapter and the
21 rules then in force. Printed copies of rules, or written
22 copies under the seal of the commission, shall be prima facie
23 evidence of their existence and substance, and the courts
24 shall judicially notice such rules. ~~The conferral or~~
25 ~~enumeration of specific powers elsewhere in this chapter shall~~
26 ~~not be construed as a limitation of the general powers~~
27 ~~conferred by this section.~~

28 Section 147. Section 475.614, Florida Statutes, is
29 amended to read:

30 475.614 Power of board to adopt ~~enact~~ rules and decide
31 questions of practice.--The board has authority to adopt rules

Amendment No. ____ (for drafter's use only)

1 pursuant to ss. 120.54 and 120.536(1) to implement provisions
2 of law conferring duties upon it ~~may enact rules for its own~~
3 ~~government and rules in the exercise of its powers, not in~~
4 ~~conflict with the constitutions and laws of the United States~~
5 ~~and this state, and may amend such rules at its pleasure.~~ The
6 board may decide questions of practice arising in the
7 proceedings before it, having regard to this section and the
8 rules then in force.

9 Section 148. Subsection (4) of section 476.064,
10 Florida Statutes, is amended to read:

11 476.064 Organization; headquarters; personnel;
12 meetings.--

13 (4) The board has authority to adopt rules pursuant to
14 ss. 120.54 and 120.536(1) to implement ~~is authorized to adopt~~
15 ~~rules in accordance with the provisions of chapter 120 to~~
16 ~~carry out~~ the provisions of this chapter.

17 Section 149. Section 477.016, Florida Statutes, is
18 amended to read:

19 477.016 Rulemaking.--The board has authority to adopt
20 rules pursuant to ss. 120.54 and 120.536(1) to implement the
21 provisions of ~~is authorized to adopt such rules not~~
22 ~~inconsistent with law as may be necessary to carry out the~~
23 ~~duties and authority conferred upon the board by this chapter~~
24 ~~conferring duties upon it.~~

25 Section 150. Subsection (1) of section 478.43, Florida
26 Statutes, is amended to read:

27 478.43 Board of Medicine; powers and duties.--

28 (1) The board, with the assistance of the Electrolysis
29 Council, is authorized to establish minimum standards for the
30 delivery of electrolysis services and to adopt rules pursuant
31 to ss. 120.54 and 120.536(1) ~~necessary~~ to implement ~~administer~~

Amendment No. ____ (for drafter's use only)

1 the provisions of this chapter.

2 Section 151. Subsection (7) of section 480.035,
3 Florida Statutes, is amended to read:

4 480.035 Board of Massage Therapy.--

5 (7) The board has authority to adopt rules pursuant to
6 ss. 120.54 and 120.536(1) to implement the provisions of ~~shall~~
7 ~~promulgate such rules as are necessary to implement this~~
8 chapter.

9 Section 152. Section 481.2055, Florida Statutes, is
10 amended to read:

11 481.2055 Authority to make rules.--The board has
12 authority to may adopt such rules pursuant to ss. 120.54 and
13 120.536(1) to implement provisions of, ~~not inconsistent with~~
14 ~~law, as may be necessary to carry out the duties and authority~~
15 ~~conferred upon the board by this part and chapter 455~~
16 conferring duties upon it.

17 Section 153. Section 481.306, Florida Statutes, is
18 amended to read:

19 481.306 Authority to make rules.--The board has
20 authority to may adopt such rules pursuant to ss. 120.54 and
21 120.536(1) to implement the provisions of, ~~not inconsistent~~
22 ~~with law, as may be necessary to carry out the duties and~~
23 ~~authority conferred upon the board by this chapter and chapter~~
24 455 conferring duties upon it.

25 Section 154. Section 482.051, Florida Statutes, is
26 amended to read:

27 482.051 Rules.--The department has authority to shall
28 adopt rules pursuant to ss. 120.54 and 120.536(1) to implement
29 the provisions of ~~to carry out the intent and purpose of this~~
30 chapter. Prior to proposing the adoption of a rule, the
31 department shall counsel with members of the pest control

Amendment No. ____ (for drafter's use only)

1 industry concerning the proposed rule. The department shall
2 adopt rules for the protection of the health, safety, and
3 welfare of pest control employees and the general public, ~~in~~
4 ~~conformity with this chapter and chapter 120,~~ which require:

5 (1) That all pesticides or economic poisons be used
6 only in accordance with the registered labels and labeling or
7 as directed by the United States Environmental Protection
8 Agency or the department.

9 (2) That vehicles and trailers used in pest control be
10 permanently marked with the licensee's name that is registered
11 with the department.

12 (3) That written contracts be required for providing
13 termites and other wood-destroying organisms pest control,
14 that provisions necessary to assure consumer protection as
15 specified by the department be included in such contracts, and
16 that require licensees to comply with the contracts issued.

17 (4) That a licensee, before performing general
18 fumigation, notify in writing the department inspector having
19 jurisdiction over the location where the fumigation is to be
20 performed, which notice must be received by the department
21 inspector at least 24 hours in advance of the fumigation and
22 must contain such information as the department requires.
23 However, in an authentic and verifiable emergency, when 24
24 hours' advance notification is not possible, advance telephone
25 or telegraph notice may be given; but such notice must be
26 immediately followed by written confirmation providing the
27 required information.

28 (5) That any pesticide used for preconstruction soil
29 treatments for the prevention of subterranean termites be
30 applied in the amount, concentration, and treatment area in
31 accordance with the label; that a copy of the label of the

Amendment No. ____ (for drafter's use only)

1 registered pesticide being applied be carried in a vehicle at
2 the site where the pesticide is being applied; and that the
3 licensee maintain for 3 years the record of each
4 preconstruction soil treatment, indicating the date of
5 treatment, the location or address of the property treated,
6 the total square footage of the structure treated, the type of
7 pesticide applied, the concentration of each substance in the
8 mixture applied, and the total amount of pesticide applied.

9 Section 155. Subsection (4) of section 483.805,
10 Florida Statutes, is amended to read:

11 483.805 Board of Clinical Laboratory Personnel.--

12 (4) The board has authority to adopt rules pursuant to
13 ss. 120.54 and 120.536(1) to implement the provisions of is
14 ~~authorized to adopt such rules not inconsistent with law as~~
15 ~~may be necessary to carry out the duties and authority~~
16 ~~conferred upon the board by this part~~ conferring duties upon
17 it.

18 Section 156. Section 484.005, Florida Statutes, is
19 amended to read:

20 484.005 Authority to make rules.--The board has
21 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
22 to implement the provisions of is ~~authorized to make such~~
23 ~~rules not inconsistent with law as may be necessary to carry~~
24 ~~out the duties and authority conferred upon it by this part~~
25 conferring duties upon it ~~and as may be necessary to protect~~
26 ~~the health, safety, and welfare of the public.~~ Such rules
27 shall include, but not be limited to, rules relating to:

28 (1) A standard of practice for opticians licensed
29 pursuant to this part.

30 (2) Minimum equipment which shall be utilized to
31 prepare, fit, measure, and dispense lenses, spectacles,

Amendment No. ____ (for drafter's use only)

1 eyeglasses, contact lenses, and other optical devices allowed
2 under the practice of opticianry.

3 (3) Procedures for transfer of prescription files upon
4 the going out of business of an optician, corporation, or
5 other person.

6 (4) A standard of practice for filling prescriptions
7 for contact lenses and fitting, adapting, and dispensing
8 contact lenses.

9 Section 157. Subsection (1) of section 484.044,
10 Florida Statutes, is amended to read:

11 484.044 Authority to make rules.--

12 (1) The board has authority to adopt rules pursuant to
13 ss. 120.54 and 120.536(1) to implement the provisions of is
14 ~~authorized to make such rules not inconsistent with law as may~~
15 ~~be necessary to carry out the duties and authority conferred~~
16 ~~upon the board by this part conferring duties upon it.~~

17 Section 158. Section 486.025, Florida Statutes, is
18 amended to read:

19 486.025 Powers and duties of the Board of Physical
20 Therapy Practice.--The board may administer oaths, summon
21 witnesses, take testimony in all matters relating to its
22 duties under this chapter, establish or modify minimum
23 standards of practice, and adopt ~~or amend~~ rules pursuant to
24 ss. 120.54 and 120.536(1)necessary to implement the
25 provisions of administer this chapter. The board may also
26 review the standing and reputability of any school or college
27 offering courses in physical therapy and whether the courses
28 of such school or college in physical therapy meet the
29 standards established by the appropriate accrediting agency
30 referred to in s. 486.031(3)(a). In determining the standing
31 and reputability of any such school and whether the school and

Amendment No. ____ (for drafter's use only)

1 courses meet such standards, the board may investigate and
2 make personal inspection of the same.

3 Section 159. Section 488.02, Florida Statutes, is
4 amended to read:

5 488.02 Rules and regulations.--The Department of
6 Highway Safety and Motor Vehicles has authority to adopt rules
7 pursuant to ss. 120.54 and 120.536(1)~~is authorized to adopt~~
8 ~~rules and regulations necessary~~ to implement the provisions of
9 this chapter.

10 Section 160. Section 489.108, Florida Statutes, is
11 amended to read:

12 489.108 Rulemaking authority of the board.--The board
13 has authority to adopt rules pursuant to ss. 120.54 and
14 120.536(1) to implement the provisions of ~~is authorized to~~
15 ~~make such rules not inconsistent with law which are necessary~~
16 ~~to carry out the duties and authority conferred upon it by~~
17 this chapter conferring duties upon it.

18 Section 161. Subsection (3) of section 489.507,
19 Florida Statutes, is amended to read:

20 489.507 Electrical Contractors' Licensing Board.--

21 (3) The board has authority to adopt rules pursuant to
22 ss. 120.54 and 120.536(1) to implement ~~shall have the~~
23 ~~authority to make rules, consistent with law, as necessary to~~
24 ~~carry out~~ the provisions of this part.

25 Section 162. Subsection (4) of section 490.004,
26 Florida Statutes, is amended to read:

27 490.004 Board of Psychology.--

28 (4) The board shall adopt rules pursuant to ss. 120.54
29 and 120.536(1) to implement the provisions of this chapter.

30 Section 163. Subsection (5) of section 491.004,
31 Florida Statutes, is amended to read:

Amendment No. ____ (for drafter's use only)

1 491.004 Board of Clinical Social Work, Marriage and
2 Family Therapy, and Mental Health Counseling.--

3 (5) The board shall adopt rules pursuant to ss. 120.54
4 and 120.536(1) to implement and enforce the provisions of this
5 chapter.

6 Section 164. Section 492.104, Florida Statutes, is
7 amended to read:

8 492.104 Authority to make rules.--The Board of
9 Professional Geologists has authority to adopt rules pursuant
10 to ss. 120.54 and 120.536(1) to implement ~~is authorized to~~
11 ~~make such rules not inconsistent with law as may be necessary~~
12 ~~to carry out the duties and authority conferred upon the board~~
13 ~~by ss. 492.101-492.1165. Every licensee shall be governed and~~
14 ~~controlled by ss. 492.101-492.1165 and the rules adopted by~~
15 ~~the board. The board is authorized to set, by rule, fees for~~
16 ~~application, examination, certificate of authorization, late~~
17 ~~renewal, initial licensure, and license renewal. These fees~~
18 ~~should not exceed the cost of implementing the application,~~
19 ~~examination, initial licensure, and license renewal or other~~
20 ~~administrative process.~~

21 (1) The application fee shall not exceed \$150 and
22 shall be nonrefundable.

23 (2) The examination fee shall not exceed \$250 and
24 shall be refundable if the applicant is found to be ineligible
25 to take the licensure examination.

26 (3) The initial license fee shall not exceed \$100.

27 (4) The biennial renewal fee shall not exceed \$150.

28 (5) The fee for a certificate of authorization shall
29 not exceed \$350 and the fee for renewal of the certificate
30 shall not exceed \$350.

31 (6) The fee for reactivation of an inactive license

Amendment No. ____ (for drafter's use only)

1 shall not exceed \$50.

2 (7) The fee for a provisional license shall not exceed
3 \$400.

4 (8) The fee for application, examination, and
5 licensure for a license by endorsement shall be as provided in
6 this section for licenses in general.

7 Section 165. Subsection (2) of section 494.0011,
8 Florida Statutes, is amended to read:

9 494.0011 Powers and duties of the department.--

10 (2) The department has authority to may adopt rules
11 pursuant to ss. 120.54 and 120.536(1) to implement and perform
12 other acts necessary for the proper administration,
13 enforcement, and interpretation of ss. 494.001-494.0077.

14 Section 166. Section 496.424, Florida Statutes, is
15 amended to read:

16 496.424 Rulemaking authority.--The department has the
17 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
18 chapter 120 to implement the provisions of ss. 496.401-496.424
19 or s. 496.426.

20 Section 167. Subsection (1) of section 497.103,
21 Florida Statutes, is amended to read:

22 497.103 Rulemaking authority of board and
23 department.--

24 (1) The board has authority to adopt rules pursuant to
25 ss. 120.54 and 120.536(1) to implement provisions of is
26 authorized to adopt rules not inconsistent with law as may be
27 necessary to carry out the duties and authority conferred upon
28 the board by this chapter conferring duties upon it and as may
29 be necessary to protect the health, safety, and welfare of the
30 public. The department may adopt rules pursuant to ss. 120.54
31 and 120.536(1) to administer provisions of is authorized to

Amendment No. ____ (for drafter's use only)

1 ~~adopt rules not inconsistent with law as may be necessary to~~
2 ~~carry out the duties and authority conferred upon the~~
3 ~~department by this chapter conferring duties upon it and as~~
4 ~~may be necessary to protect the health, safety, and welfare of~~
5 ~~the public.~~

6 Section 168. Subsection (5) of section 497.105,
7 Florida Statutes, is amended to read:

8 497.105 Department of Banking and Finance; powers and
9 duties.--The Department of Banking and Finance shall:

10 (5) Adopt all rules pursuant to ss. 120.54 and
11 120.536(1)~~necessary to implement the provisions of~~ administer
12 ~~the department's duties under this chapter conferring duties~~
13 upon it.

14 Section 169. Subsection (1) of section 498.007,
15 Florida Statutes, is amended to read:

16 498.007 General powers and duties.--

17 (1) The division has authority to ~~may adopt, amend, or~~
18 ~~repeal reasonable~~ rules pursuant to ss. 120.54 and 120.536(1)
19 to administer the ~~as necessary to carry out all provisions of~~
20 ~~this act, pursuant to the Administrative Procedure Act.~~

21 Section 170. Paragraph (a) of subsection (6) of
22 section 500.459, Florida Statutes, is amended to read:

23 500.459 Water vending machines.--

24 (6) DUTIES AND RESPONSIBILITIES OF THE DEPARTMENT.--

25 (a) The department has authority to ~~may adopt such~~
26 ~~additional~~ rules pursuant to ss. 120.54 and 120.536(1) to
27 implement the provisions of ~~not inconsistent with law as may~~
28 ~~be necessary to carry out the duties and authority conferred~~
29 ~~on the department by this section conferring duties upon it or~~
30 ~~as may be necessary to protect the health, safety, and welfare~~
31 ~~of the public.~~

Amendment No. ____ (for drafter's use only)

1 Section 171. Subsection (2) of section 501.014,
2 Florida Statutes, is amended to read:

3 501.014 Health studios; powers and duties of the
4 department.--

5 (2) The department has the authority to adopt rules
6 pursuant to ss. 120.54 and 120.536(1)~~chapter 120~~ to implement
7 ss. 501.012-501.019.

8 Section 172. Subsection (12) of section 501.143,
9 Florida Statutes, is amended to read:

10 501.143 Dance Studio Act.--

11 (12) RULEMAKING AUTHORITY.--The department has the
12 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
13 ~~chapter 120~~ to implement this section.

14 Section 173. Section 501.626, Florida Statutes, is
15 amended to read:

16 501.626 Rulemaking power.--The department has the
17 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
18 ~~chapter 120~~ to implement this part.

19 Section 174. Subsection (7) of section 502.014,
20 Florida Statutes, is amended to read:

21 502.014 Powers and duties.--

22 (7) The department has authority to may adopt rules
23 pursuant to ss. 120.54 and 120.536(1) to implement and enforce
24 the provisions as necessary for the implementation and
25 enforcement of this chapter. In adopting these rules, the
26 department shall be guided by and may conform to the
27 definitions and standards of the administrative procedures and
28 provisions of the pasteurized milk ordinance. The rules shall
29 include, but are not limited to:

30 (a) Standards for milk and milk products.

31 (b) Provisions for the production, transportation,

Amendment No. ____ (for drafter's use only)

1 processing, handling, sampling, examination, grading,
2 labeling, and sale of all milk and milk products and imitation
3 and substitute milk and milk products sold for public
4 consumption in this state.

5 (c) Provisions for the inspection of dairy herds,
6 dairy farms, and milk plants.

7 (d) Provisions for the issuance and revocation of
8 permits issued by the department pursuant to this chapter.

9 Section 175. Subsection (1) of section 503.031,
10 Florida Statutes, is amended to read:

11 503.031 Powers of department.--The department may:

12 (1) Adopt rules pursuant to ss. 120.54 and 120.536(1)
13 necessary to implement administer and enforce the provisions
14 of this chapter. The rules must, to the extent possible,
15 conform to applicable federal requirements.

16 Section 176. Section 504.32, Florida Statutes, is
17 amended to read:

18 504.32 Rulemaking authority.--The department has
19 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
20 ~~is authorized to prescribe and adopt all reasonable rules~~
21 ~~which are needed to implement, make specific, and interpret~~
22 the provisions of this part in a manner consistent with rules
23 ~~those~~ of nationally recognized organic grower groups, such as
24 the Organic Food Producers Association of North America, ~~after~~
25 ~~such notice as may be required by chapter 120.~~

26 Section 177. Section 516.22, Florida Statutes, is
27 amended to read:

28 516.22 Rules Regulations; certified copies.--

29 (1) RULES REGULATIONS.--The department has authority
30 to adopt rules pursuant to ss. 120.54 and 120.536(1) to
31 implement the provisions of law conferring duties upon it

Amendment No. ____ (for drafter's use only)

1 ~~shall have the power and authority to issue regulations.~~

2 (2) CERTIFIED COPIES OF OFFICIAL DOCUMENTS.--On
3 application of any person and payment of the costs thereof, at
4 the same rate and fees as allowed clerks of the circuit court
5 by statute, the department shall furnish a certified copy of
6 any license, regulation, or order. In any court or
7 proceeding, such copy shall be prima facie evidence of the
8 fact of the issuance of such license, regulation, or order.

9 Section 178. Subsection (3) of section 516.23, Florida
10 Statutes, is amended to read:

11 516.23 Subpoenas; enforcement actions; rules.--

12 (3) The department has authority to ~~may~~ adopt rules
13 pursuant to ss. 120.54 and 120.536(1) to implement the
14 provisions ~~and perform such other acts as are necessary for~~
15 ~~the proper administration, enforcement, and interpretation of~~
16 ~~this chapter.~~

17 Section 179. Subsection (1) of section 517.03, Florida
18 Statutes, is amended to read:

19 517.03 Power of department to make rules.--

20 (1) The Department of Banking and Finance shall
21 administer and provide for the enforcement of all the
22 provisions of this chapter. The department has authority to
23 adopt rules pursuant to ss. 120.54 and 120.536(1) to implement
24 the provisions of ~~shall make, adopt, promulgate, amend, and~~
25 ~~repeal all rules necessary or convenient for the carrying out~~
26 ~~of the duties, obligations, and powers conferred on said~~
27 ~~department and perform any other acts necessary or convenient~~
28 ~~for the proper administration, enforcement, or interpretation~~
29 ~~of this chapter~~ conferring powers or duties upon it,
30 including, without limitation, adopting rules and forms
31 governing reports. The department shall also have the

Amendment No. ____ (for drafter's use only)

1 nonexclusive power to define by rule any term, whether or not
2 used in this chapter, insofar as the definition is not
3 inconsistent with the provisions of this chapter.

4 Section 180. Subsection (5) of section 520.994,
5 Florida Statutes, is amended to read:

6 520.994 Powers of department.--

7 (5) The department shall administer and enforce this
8 chapter. The department has authority to may adopt rules
9 pursuant to ss. 120.54 and 120.536(1) to implement the
10 provisions and perform such other acts as are necessary or
11 convenient for the proper administration, enforcement, and
12 interpretation of this chapter.

13 Section 181. Section 526.09, Florida Statutes, is
14 amended to read:

15 526.09 Department to enforce law; rules ~~and~~
16 ~~regulations~~.--The Department of Agriculture and Consumer
17 Services shall enforce the provisions of this chapter. The
18 department has authority to adopt rules pursuant to ss. 120.54
19 and 120.536(1) to implement is authorized to adopt,
20 ~~promulgate, and enforce such rules and regulations not~~
21 ~~inconsistent with the provisions of this chapter as in its~~
22 ~~judgment may be necessary to the proper enforcement of this~~
23 ~~chapter.~~

24 Section 182. Subsection (3) of section 531.41, Florida
25 Statutes, is amended to read:

26 531.41 Powers and duties of the department.--The
27 department shall:

28 (3) Adopt ~~reasonable~~ rules pursuant to ss. 120.54 and
29 120.536(1) to implement, interpret, or make specific the
30 provisions of this chapter, which rules shall have the force
31 and effect of law.

Amendment No. ____ (for drafter's use only)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

The provisions of this chapter and rules adopted thereunder notwithstanding, scales routinely used by providers of weight control services shall not be considered commercial weights and measures when used to determine human weight or to compute charges or payments for services rendered by such providers on the basis of said weight, measure, or count.

Section 183. Subsection (2) of section 548.003, Florida Statutes, is amended to read:

548.003 State Athletic Commission.--

(2) The State Athletic Commission, as created by subsection (1), shall administer the provisions of this chapter. The commission has authority to ~~may~~ adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of this chapter.

Section 184. Section 553.76, Florida Statutes, is amended to read:

553.76 General powers of the board.--The board is authorized to:

(1) Adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions ~~Promulgate, in cooperation with the department, rules and regulations for the administration of this part, pursuant to chapter 120.~~

(2) Issue memoranda ~~Provide rules~~ of procedure for its internal management and control.

(3) Enter into contracts and do such things as may be necessary and incidental to the discharge of its responsibilities under this part.

Section 185. Subsection (3) of section 560.105, Florida Statutes, is amended to read:

560.105 Supervisory powers of the department;

Amendment No. ____ (for drafter's use only)

1 rulemaking.--Consistent with the purposes of the code, the
2 department shall have:

3 (3) Power to issue ~~and publish rules, orders, and~~
4 declaratory statements, disseminate information, and otherwise
5 exercise its discretion to effectuate the purposes, policies,
6 and provisions of the code and to adopt rules pursuant to ss.
7 120.54 and 120.536(1) to interpret and implement the
8 provisions of the code.

9 Section 186. Subsection (1) of section 561.11, Florida
10 Statutes, is amended to read:

11 561.11 Power and authority of division.--

12 (1) The division has authority to adopt rules pursuant
13 to ss. 120.54 and 120.536(1) to implement the provisions shall
14 ~~have full power and authority to make, adopt, amend, or repeal~~
15 ~~rules, regulations, or administrative orders to carry out the~~
16 ~~purposes of the Beverage Law. All such rules, regulations, or~~
17 ~~orders adopted in accordance with chapter 120 shall have the~~
18 ~~full force and effect of law.~~

19 Section 187. Subsection (23) of section 570.07,
20 Florida Statutes, is amended to read:

21 570.07 Department of Agriculture and Consumer
22 Services; functions, powers, and duties.--The department shall
23 have and exercise the following functions, powers, and duties:

24 (23) To adopt rules pursuant to ss. 120.54 and
25 120.536(1) to implement provisions of law conferring duties
26 upon it enact, amend, and repeal administrative rules as
27 necessary.

28 Section 188. Section 571.05, Florida Statutes, is
29 amended to read:

30 571.05 Rules.--The department by rule may design,
31 determine, and adopt seals of quality for use in publicizing,

Amendment No. ____ (for drafter's use only)

1 advertising, and promoting agricultural products; prescribe
2 minimum standards of quality and grade of agricultural
3 products with which a seal of quality may be used; name and
4 define market packages of agricultural products; fix a
5 reasonable and equitable advertising and promotion fee for
6 such market package of agricultural products; and otherwise
7 adopt rules pursuant to ss. 120.54 and 120.536(1) to
8 ~~interpret, implement, and make specific~~ the provisions of this
9 part.

10 Section 189. Subsection (9) of section 571.24, Florida
11 Statutes, is amended to read:

12 571.24 Purpose; duties of the division.--The purpose
13 of this part is to authorize the division to establish and
14 coordinate the Florida Agricultural Promotional Campaign. The
15 duties of the division shall include, but are not limited to:

16 (9) Adopting rules pursuant to ss. 120.54 and
17 120.536(1)~~Promulgating rules necessary~~ to implement the
18 provisions of this part.

19 Section 190. Section 574.14, Florida Statutes, is
20 amended to read:

21 574.14 Rules.--The Department of Agriculture and
22 Consumer Services may adopt rules pursuant to ss. 120.54 and
23 120.536(1)~~to implement, make specific, or interpret~~ the
24 provisions of this chapter.

25 Section 191. Section 578.11, Florida Statutes, is
26 amended to read:

27 578.11 Duties, authority, and rules ~~and regulations~~ of
28 the department.--

29 (1) The duty of administering this law and enforcing
30 its provisions and requirements shall be vested in the
31 Department of Agriculture and Consumer Services, which is

Amendment No. ____ (for drafter's use only)

1 hereby authorized to employ such agents and persons as in its
2 judgment shall be necessary therefor. It shall be the duty of
3 the department, which may act through its authorized agents,
4 to sample, inspect, make analyses of, and test agricultural,
5 vegetable, flower, or forest tree seed transported, sold,
6 offered or exposed for sale, or distributed within this state
7 for sowing or planting purposes, at such time and place and to
8 such extent as it may deem necessary to determine whether said
9 agricultural, vegetable, flower or forest tree seed are in
10 compliance with the provisions of this law, and to notify
11 promptly the person who transported, distributed, sold,
12 offered or exposed the seed for sale, of any violation.

13 (2) The department is authorized:

14 (a) To enforce this act and prescribe and adopt
15 ~~reasonable rules, which shall have the full force and effect~~
16 ~~of law, for the enforcement of this act, governing~~ the methods
17 of sampling, inspecting, testing, and examining agricultural,
18 vegetable, flower, or forest tree seed. ~~The department shall,~~
19 ~~on a one-time basis after the effective date of this act,~~
20 ~~notify those previously receiving personal notice of such~~
21 ~~rules that they will no longer be receiving such notice.~~

22 (b) To establish standards and tolerances to be
23 followed in the administration of this law, which shall be in
24 general accord with officially prescribed practices in
25 interstate commerce.

26 (c) To prescribe uniform labels.

27 (d) To adopt prohibited and restricted noxious weed
28 seed lists.

29 (e) To prescribe limitations for each restricted
30 noxious weed to be used in enforcement of this act and to add
31 or subtract therefrom from time to time as the need may arise.

Amendment No. ____ (for drafter's use only)

1 (f) To make commercial tests of seed and to fix and
2 collect charges for such tests.

3 (g) To list the kinds of flower and forest tree seed
4 subject to this law.

5 (h) To analyze samples, as requested by a consumer.
6 The department shall establish, by rule, a fee schedule for
7 analyzing samples at the request of a consumer. The fees
8 shall be sufficient to cover the costs to the department for
9 taking the samples and performing the analysis, not to exceed
10 \$150 per sample.

11 (i) To adopt rules pursuant to ss. 120.54 and
12 120.536(1) to implement the provisions of ~~prescribe such other~~
13 ~~rules as may be necessary to secure the efficient enforcement~~
14 ~~of this act.~~

15 (3) For the purpose of carrying out the provisions of
16 this law, the department, through its authorized agents, is
17 authorized:

18 (a) To enter upon any public or private premises,
19 where agricultural, vegetable, flower, or forest tree seed is
20 sold, offered, exposed, or distributed for sale during regular
21 business hours, in order to have access to seed subject to
22 this law and the rules and regulations hereunder.

23 (b) To issue and enforce a stop-sale notice or order
24 to the owner or custodian of any lot of agricultural,
25 vegetable, flower, or forest tree seed, which the department
26 finds or has good reason to believe is in violation of any
27 provisions of this law, which shall prohibit further sale,
28 barter, exchange, or distribution of such seed until the
29 department is satisfied that the law has been complied with
30 and has issued a written release or notice to the owner or
31 custodian of such seed. After a stop-sale notice or order has

Amendment No. ____ (for drafter's use only)

1 been issued against or attached to any lot of seed and the
2 owner or custodian of such seed has received confirmation that
3 the seed does not comply with this law, she or he shall have
4 15 days beyond the normal test period within which to comply
5 with the law and obtain a written release of the seed. The
6 provisions of this paragraph shall not be construed as
7 limiting the right of the department to proceed as authorized
8 by other sections of this law.

9 (c) To establish and maintain a seed laboratory,
10 employ seed analysts and other personnel, and incur such other
11 expenses as may be necessary to comply with these provisions.

12 Section 192. Subsection (2) of section 580.036,
13 Florida Statutes, is amended to read:

14 580.036 Powers and duties.--

15 (2) The department is authorized to adopt rules
16 pursuant to ss. 120.54 and 120.536(1) to enforce the
17 provisions as necessary for the enforcement of this chapter.
18 These rules shall be consistent with the rules and standards
19 of the United States Food and Drug Administration and the
20 United States Department of Agriculture, when applicable, and
21 shall include:

22 (a) Establishing definitions and reasonable standards
23 for commercial feed or feedstuff and permissible tolerances
24 for pesticide chemicals, chemical additives, nonnutritive
25 ingredients, or drugs in or on commercial feed or feedstuff in
26 such amounts as will ensure the safety of livestock and
27 poultry and the products thereof used for human consumption.

28 (b) Adopting standards for the manufacture and
29 distribution of medicated feed.

30 (c) Establishing definitions and reasonable standards
31 for the certification of laboratories for the conduct of

Amendment No. ____ (for drafter's use only)

1 testing and analyses as required in this chapter.

2 (d) Establishing product labeling requirements for
3 distributors.

4 (e) Limiting the use of drugs in commercial feed and
5 prescribing feeding directions to be used to ensure safe usage
6 of medicated feed.

7 (f) Establishing standards for evaluating
8 quality-assurance/quality-control plans, including testing
9 protocols, for exemptions to certified laboratory testing
10 requirements.

11 Section 193. Section 583.04, Florida Statutes, is
12 amended to read:

13 583.04 Promulgation of rules.--The department has
14 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
15 to implement ~~may make and promulgate such rules as may be~~
16 ~~necessary to carry out~~ the provisions of this chapter.

17 Section 194. Subsection (4) of section 585.002,
18 Florida Statutes, is amended to read:

19 585.002 Department control; continuance of powers,
20 duties, rules, orders, etc.--

21 (4) The department shall adopt rules pursuant to ss.
22 120.54 and 120.536(1) to implement ~~promulgate rules to carry~~
23 ~~out~~ the provisions of this chapter.

24 Section 195. Subsection (2) of section 593.103,
25 Florida Statutes, is amended to read:

26 593.103 Powers and duties of department.--The
27 department has the power and duty to:

28 (2) Adopt rules pursuant to ss. 120.54 and 120.536(1)
29 to implement the provisions ~~Promulgate rules necessary to the~~
30 ~~enforcement~~ of ss. 593.101-593.117.

31 Section 196. Section 616.165, Florida Statutes, is

Amendment No. ____ (for drafter's use only)

1 amended to read:

2 616.165 Rules.--The department shall adopt ~~all~~ rules
3 pursuant to ss. 120.54 and 120.536(1)~~necessary to implement~~
4 ~~carry out~~ the provisions of this chapter.

5 Section 197. Paragraph (j) of subsection (1) of
6 section 616.256, Florida Statutes, is amended to read:

7 616.256 Powers of authority.--

8 (1) The authority shall have power to:

9 (j) Adopt rules pursuant to ss. 120.54 and 120.536(1)
10 to implement provisions of law conferring duties upon it,
11 ~~pursuant to chapter 120, rules necessary to carry out its~~
12 ~~duties and responsibilities.~~

13 Section 198. Subsection (4) of section 617.01301,
14 Florida Statutes, is amended to read:

15 617.01301 Powers of Department of State.--

16 (4) The Department of State shall have the power and
17 authority reasonably necessary to enable it to administer this
18 act efficiently, to perform the duties herein imposed upon it,
19 and to adopt ~~reasonable~~ rules pursuant to ss. 120.54 and
20 120.536(1) to implement the provisions of ~~necessary to carry~~
21 ~~out its duties and functions under this act~~ conferring duties
22 upon it.

23 Section 199. Subsection (4) of section 620.1835,
24 Florida Statutes, is amended to read:

25 620.1835 Powers of Department of State;
26 interrogatories.--

27 (4) The Department of State shall have the power and
28 authority reasonably necessary to enable it to administer this
29 act efficiently, to perform the duties herein imposed upon it,
30 and to adopt rules pursuant to ss. 120.54 and 120.536(1) to
31 implement the provisions of ~~reasonable rules necessary to~~

Amendment No. ____ (for drafter's use only)

1 ~~carry out its duties and functions under this act~~ conferring
2 duties upon it.

3 Section 200. Subsection (2) of section 620.81055,
4 Florida Statutes, is amended to read:

5 620.81055 Fees for filing documents and issuing
6 certificates; powers of the Department of State.--

7 (2) The Department of State has the power and
8 authority reasonably necessary to enable it to administer this
9 act efficiently, to perform the duties imposed upon it by this
10 act, and to adopt ~~reasonable~~ rules pursuant to ss. 120.54 and
11 120.536(1) to implement the provisions of ~~necessary to carry~~
12 ~~out its duties and functions under this act~~ conferring duties
13 upon it.

14 Section 201. Subsection (1) of section 624.308,
15 Florida Statutes, is amended to read:

16 624.308 Rules.--

17 (1) The department has authority to ~~may~~ adopt
18 ~~reasonable~~ rules pursuant to ss. 120.54 and 120.536(1) to
19 implement provisions of law conferring duties upon it
20 ~~necessary to effect any of the statutory duties of the~~
21 ~~department. Such rules shall not extend, modify, or conflict~~
22 ~~with any law of this state or the reasonable implications of~~
23 ~~such laws.~~

24 Section 202. Section 624.4431, Florida Statutes, is
25 amended to read:

26 624.4431 Administration; rules.--The administration of
27 ss. 624.436-624.446 is vested in the department. The
28 department has authority to ~~may~~ adopt ~~reasonable~~ rules
29 pursuant to ss. 120.54 and 120.536(1) to implement the
30 provisions of ss. 624.436-624.446.

31 Section 203. Subsection (1) of section 626.943,

Amendment No. ____ (for drafter's use only)

1 Florida Statutes, is amended to read:

2 626.943 Powers and duties of the department.--It is
3 the function of the department to:

4 (1) Adopt rules pursuant to ss. 120.54 and 120.536(1)
5 to implement the provisions of ~~Promulgate rules necessary to~~
6 ~~carry out the duties conferred upon it under this part~~
7 ~~conferring duties upon it to protect the public health,~~
8 ~~safety, and welfare.~~

9 Section 204. Section 627.805, Florida Statutes, is
10 amended to read:

11 627.805 Departmental regulation of variable and
12 indeterminate value contracts; rules.--The department,
13 notwithstanding any other provision of law, shall have the
14 sole authority to regulate the issuance and sale of variable
15 and indeterminate value contracts and has authority to adopt
16 rules pursuant to ss. 120.54 and 120.536(1) to implement the
17 ~~to issue such reasonable rules as may be necessary to carry~~
18 ~~out the purposes and provisions of this part.~~

19 Section 205. Section 627.9408, Florida Statutes, is
20 amended to read:

21 627.9408 Rules.--The department has authority to ~~may~~
22 ~~adopt such rules pursuant to ss. 120.54 and 120.536(1) to~~
23 implement as are necessary and proper in furtherance of the
24 ~~provisions of this part.~~

25 Section 206. Section 628.535, Florida Statutes, is
26 amended to read:

27 628.535 Authority to promulgate rules.--The department
28 has authority to adopt rules pursuant to ss. 120.54 and
29 120.536(1) to implement the provisions ~~may promulgate rules to~~
30 ~~carry out the purposes of this chapter.~~

31 Section 207. Section 633.01, Florida Statutes, is

Amendment No. ____ (for drafter's use only)

1 amended to read:

2 633.01 State Fire Marshal; powers and duties; rules.--

3 (1) The head of the Department of Insurance shall be
4 designated as "State Fire Marshal." The State Fire Marshal
5 has authority to adopt rules pursuant to ss. 120.54 and
6 120.536(1) shall make and promulgate all rules necessary to
7 implement the provisions of this chapter conferring powers or
8 which grant powers and impose duties upon the department on
9 the State Fire Marshal and to effectuate the enforcement of
10 such powers and duties. Rules shall be in substantial
11 conformity with generally accepted standards of firesafety;
12 shall take into consideration the direct supervision of
13 children in nonresidential child care facilities; and shall
14 balance and temper the need of the State Fire Marshal to
15 protect all Floridians from fire hazards with the social and
16 economic inconveniences that may be caused or created by the
17 rules. However, the department shall not adopt minimum
18 firesafety standards, except to the extent required by s.
19 394.879.

20 ~~(2) Subject to the limitations of subsection (1),~~
21 ~~rules promulgated by the State Fire Marshal shall be such as~~
22 ~~are reasonably necessary for the protection of the health,~~
23 ~~welfare, and safety of the public and shall be in substantial~~
24 ~~conformity with generally accepted standards of firesafety.~~
25 ~~In the promulgation of rules, the State Fire Marshal shall~~
26 ~~give consideration to generally accepted standards of~~
27 ~~firesafety.~~

28 (2)(3) Subject to the limitations of subsection (1),
29 it is the intent of the Legislature that the State Fire
30 Marshal shall have the responsibility to minimize the loss of
31 life and property in this state due to fire. The State Fire

Amendment No. ____ (for drafter's use only)

1 Marshal shall enforce all laws and provisions of this chapter,
2 and any rules adopted pursuant thereto, relating to:

3 (a) The prevention of fire and explosion through the
4 regulation of conditions which could cause fire or explosion,
5 the spread of fire, and panic resulting therefrom;

6 (b) Installation and maintenance of fire alarm systems
7 and fire protection systems, including fire suppression
8 systems, fire-extinguishing equipment, and fire sprinkler
9 systems;

10 (c)1. Servicing, repairing, recharging, testing,
11 marking, inspecting, installing, maintaining, and tagging of
12 fire extinguishers, preengineered systems, and individually
13 designed fire protection systems;

14 2. The training and licensing of persons engaged in
15 the business of servicing, repairing, recharging, testing,
16 marking, inspecting, installing, maintaining, and tagging fire
17 extinguishers, preengineered systems, and individually
18 designed fire protection systems;

19 (d) The maintenance of fire cause and loss records;
20 and

21 (e) Suppression of arson and the investigation of the
22 cause, origin, and circumstances of fire.

23 (3)~~(4)~~ The State Fire Marshal shall establish by rule
24 guidelines and procedures for triennial renewal of firesafety
25 inspector requirements for certification.

26 (4)~~(5)~~ It is the intent of the Legislature that the
27 rules promulgated by the State Fire Marshal pursuant to this
28 section be enforced in such a manner as to prohibit the
29 displacement of currently placed mobile homes unless there is
30 a threat of imminent danger to the health, safety, or welfare
31 of the general public. ~~Furthermore, it is the intent of the~~

Amendment No. ____ (for drafter's use only)

1 ~~Legislature that consideration be given to the social and~~
2 ~~economic inconveniences which may be caused or created by the~~
3 ~~rules promulgated by the State Fire Marshal pursuant to this~~
4 ~~section.~~

5 ~~(6) It is the intent of the Legislature that the rules~~
6 ~~adopted by the State Fire Marshal pursuant to this section be~~
7 ~~promulgated in such a manner as to take into consideration the~~
8 ~~direct supervision of children in nonresidential child care~~
9 ~~facilities and to balance and temper the need of the State~~
10 ~~Fire Marshal to protect all citizens from fire hazards with~~
11 ~~the social and economic inconveniences which may be caused or~~
12 ~~created by the rules promulgated by the State Fire Marshal~~
13 ~~pursuant to this section.~~

14 Section 208. Subsection (1) of section 633.517,
15 Florida Statutes, is amended to read:

16 633.517 Authority of State Fire Marshal to adopt
17 rules, administer oaths, and take testimony.--

18 (1) The State Fire Marshal is authorized, with the
19 advice of the board, to adopt rules pursuant to ss. 120.54 and
20 120.536(1) and regulations to implement ~~carry out~~ the
21 provisions of this act.

22 Section 209. Section 634.021, Florida Statutes, is
23 amended to read:

24 634.021 Powers of department; rules.--The department
25 shall administer this act and to that end it has authority to
26 ~~may adopt, promulgate, and enforce~~ rules pursuant to ss.
27 120.54 and 120.536(1) to implement the ~~necessary and proper to~~
28 ~~effectuate any~~ provisions of this act.

29 Section 210. Section 634.302, Florida Statutes, is
30 amended to read:

31 634.302 Powers of department; rules.--The department

Amendment No. ____ (for drafter's use only)

1 shall administer this part, and, to that end, it has authority
2 to may adopt, promulgate, and enforce rules pursuant to ss.
3 120.54 and 120.536(1) to implement the necessary and proper to
4 effectuate any provisions of this part.

5 Section 211. Section 634.402, Florida Statutes, is
6 amended to read:

7 634.402 Powers of department; rules.--The department
8 shall administer this part, and to that end it has authority
9 to may adopt and enforce rules pursuant to ss. 120.54 and
10 120.536(1) to implement the provisions necessary and proper to
11 effectuate any provision of this part.

12 Section 212. Section 635.081, Florida Statutes, is
13 amended to read:

14 635.081 Administration and enforcement.--The
15 department has authority to adopt rules pursuant to ss. 120.54
16 and 120.536(1) to implement shall adopt such rules as are
17 necessary to carry out the provisions of this chapter and
18 shall have the same powers of administration and enforcement
19 of the provisions of this chapter as it has with respect to
20 casualty or surety insurers in general under the Florida
21 Insurance Code.

22 Section 213. Section 636.067, Florida Statutes, is
23 amended to read:

24 636.067 Rules.--The department has authority to may,
25 after notice and hearing, adopt rules pursuant to ss. 120.54
26 and 120.536(1) to implement the provisions of administer this
27 act. A violation of any such rule subjects the violator to
28 the provisions of s. 636.048.

29 Section 214. Section 641.403, Florida Statutes, is
30 amended to read:

31 641.403 Promulgation of rules.--The Department of

Amendment No. ____ (for drafter's use only)

1 Insurance has authority to adopt rules pursuant to ss. 120.54
2 and 120.536(1) to implement ~~shall promulgate rules necessary~~
3 ~~to carry out the provisions of this part.~~

4 Section 215. Section 641.56, Florida Statutes, is
5 amended to read:

6 641.56 Rulemaking authority.--The Agency for Health
7 Care Administration has authority to adopt rules pursuant to
8 ss. 120.54 and 120.536(1) to implement the provisions of is
9 ~~authorized to make rules, not inconsistent with law, which may~~
10 ~~be necessary to carry out the duties and authority conferred~~
11 ~~upon it by this part~~ conferring duties upon it ~~and to protect~~
12 ~~the health, safety, and welfare of the public.~~

13 Section 216. Paragraph (a) of subsection (1) of
14 section 648.26, Florida Statutes, is amended to read:

15 648.26 Department of Insurance; administration.--

16 (1) The department shall administer the provisions of
17 this chapter as provided in this chapter.

18 (a) The department has authority to ~~may~~ adopt rules
19 pursuant to ss. 120.54 and 120.536(1) to implement the
20 provisions of necessary and proper to effect any of the duties
21 ~~or powers of the department provided in this chapter~~
22 conferring powers or duties upon it.

23 Section 217. Subsection (3) of section 651.015,
24 Florida Statutes, is amended to read:

25 651.015 Administration; forms; fees; rules;
26 fines.--The administration of this chapter is vested in the
27 department, which shall:

28 (3) Adopt rules pursuant to ss. 120.54 and 120.536(1)
29 to implement the provisions, ~~within the standards of this~~
30 ~~chapter, necessary to effect the purposes of this chapter.~~
31 ~~Specific provisions in this chapter relating to any subject~~

Amendment No. ____ (for drafter's use only)

1 ~~shall not preclude the department from adopting rules~~
2 ~~concerning such subject if such rules are within the standards~~
3 ~~and purposes of this chapter.~~

4 Section 218. Subsection (3) of section 655.012,
5 Florida Statutes, is amended to read:

6 655.012 General supervisory powers of the department;
7 rulemaking.--In addition to other powers conferred by the
8 financial institutions codes, the department shall have:

9 (3) Power to issue ~~and publish rules, orders, and~~
10 declaratory statements, disseminate information, and otherwise
11 exercise its discretion to effectuate the purposes, policies,
12 and provisions of the financial institutions codes and to
13 adopt rules pursuant to ss. 120.54 and 120.536(1) to interpret
14 and implement the provisions of such codes consistently with
15 such purposes, policies, and provisions.

16 Section 219. Section 681.118, Florida Statutes, is
17 amended to read:

18 681.118 Rulemaking authority.--The Department of Legal
19 Affairs shall adopt rules pursuant to ss. 120.54 and
20 120.536(1) to implement the provisions of this chapter.

21 Section 220. Section 717.138, Florida Statutes, is
22 amended to read:

23 717.138 Rulemaking authority.--The Department of
24 Banking and Finance shall administer and provide for the
25 enforcement of this chapter. The department has authority to
26 adopt rules pursuant to ss. 120.54 and 120.536(1) to implement
27 the provisions ~~is authorized to make rules and to perform such~~
28 ~~other acts as are necessary or convenient for the proper~~
29 ~~administration, enforcement, and interpretation of this~~
30 chapter.

31 Section 221. Paragraph (f) of subsection (1) of

Amendment No. ____ (for drafter's use only)

1 section 718.501, Florida Statutes, is amended to read:

2 718.501 Powers and duties of Division of Florida Land
3 Sales, Condominiums, and Mobile Homes.--

4 (1) The Division of Florida Land Sales, Condominiums,
5 and Mobile Homes of the Department of Business and
6 Professional Regulation, referred to as the "division" in this
7 part, in addition to other powers and duties prescribed by
8 chapter 498, has the power to enforce and ensure compliance
9 with the provisions of this chapter and rules promulgated
10 pursuant hereto relating to the development, construction,
11 sale, lease, ownership, operation, and management of
12 residential condominium units. In performing its duties, the
13 division has the following powers and duties:

14 (f) The division has authority to adopt rules pursuant
15 to ss. 120.54 and 120.536(1) to implement and enforce the
16 provisions of ~~is authorized to promulgate rules, pursuant to~~
17 ~~chapter 120, necessary to implement, enforce, and interpret~~
18 this chapter.

19 Section 222. Paragraph (f) of subsection (1) of
20 section 719.501, Florida Statutes, is amended to read:

21 719.501 Powers and duties of Division of Florida Land
22 Sales, Condominiums, and Mobile Homes.--

23 (1) The Division of Florida Land Sales, Condominiums,
24 and Mobile Homes of the Department of Business and
25 Professional Regulation, referred to as the "division" in this
26 part, in addition to other powers and duties prescribed by
27 chapter 498, has the power to enforce and ensure compliance
28 with the provisions of this chapter and rules promulgated
29 pursuant hereto relating to the development, construction,
30 sale, lease, ownership, operation, and management of
31 residential cooperative units. In performing its duties, the

Amendment No. ____ (for drafter's use only)

1 division shall have the following powers and duties:

2 (f) The division has authority to adopt rules pursuant
3 to ss. 120.54 and 120.536(1) to implement and enforce the
4 provisions of ~~is authorized to promulgate rules, pursuant to~~
5 ~~chapter 120, necessary to implement, enforce, and interpret~~
6 this chapter.

7 Section 223. Subsection (6) of section 721.26, Florida
8 Statutes, is amended to read:

9 721.26 Regulation by division.--The division has the
10 power to enforce and ensure compliance with the provisions of
11 this chapter using the powers provided in this chapter, as
12 well as the powers prescribed in chapters 498, 718, and 719.
13 In performing its duties, the division shall have the
14 following powers and duties:

15 (6) The division has authority to adopt rules pursuant
16 to ss. 120.54 and 120.536(1) to implement and enforce the
17 provisions of ~~is authorized to adopt, amend, or repeal rules~~
18 ~~pursuant to chapter 120 as necessary to implement, enforce,~~
19 ~~and interpret~~ this chapter.

20 Section 224. Subsection (7) of section 723.006,
21 Florida Statutes, is amended to read:

22 723.006 Powers and duties of division.--In performing
23 its duties, the division has the following powers and duties:

24 (7) The division has authority to adopt rules pursuant
25 to ss. 120.54 and 120.536(1) to implement and enforce the
26 provisions of ~~is authorized to promulgate rules, pursuant to~~
27 ~~chapter 120, which are necessary to implement, enforce, and~~
28 ~~interpret~~ this chapter.

29 Section 225. Section 916.20, Florida Statutes, is
30 amended to read:

31 916.20 Operation and administration; rules.--

Amendment No. ____ (for drafter's use only)

1 (1) The department is authorized to ~~promulgate rules,~~
2 enter into contracts, and do such things as may be necessary
3 and incidental to assure compliance with and to carry out the
4 provisions of this chapter in accordance with the stated
5 legislative intent.

6 (2) The department has authority to adopt rules
7 pursuant to ss. 120.54 and 120.536(1) to implement the
8 provisions of this chapter ~~Rules of the department shall be~~
9 ~~adopted in accordance with the provisions of chapter 120, the~~
10 ~~Administrative Procedure Act.~~

11 Section 226. Subsection (4) of section 943.03, Florida
12 Statutes, is amended to read:

13 943.03 Department of Law Enforcement.--

14 (4) ~~Pursuant to chapter 120,~~The department shall
15 adopt ~~the~~ rules pursuant to ss. 120.54 and 120.536(1) to
16 implement the provisions of ~~and regulations deemed necessary~~
17 ~~to carry out its duties and responsibilities under this~~
18 chapter conferring duties upon it.

19 Section 227. Subsection (1) of section 944.09, Florida
20 Statutes, is amended to read:

21 944.09 Rules of the department; offenders,
22 probationers, and parolees.--

23 (1) The department has authority to ~~shall~~ adopt rules
24 pursuant to ss. 120.54 and 120.536(1) to implement its
25 statutory authority. The rules must include rules relating to
26 governing the administration of the correctional system and
27 ~~the operation of the department, which rules shall relate to:~~

28 (a) The rights of inmates.

29 (b) The ~~rules of~~ conduct to be observed by inmates and
30 the categories of violations according to degrees or levels of
31 severity, as well as the degrees of punishment applicable and

Amendment No. ____ (for drafter's use only)

1 appropriate to such violations.

2 (c) Disciplinary procedures and punishment.

3 (d) Grievance procedures which shall conform to 42
4 U.S.C. s. 1997e.

5 (e) The operation and management of the correctional
6 institution or facility and its personnel and functions.

7 (f) The development of a staffing formula for security
8 positions in its residential facilities, taking into account
9 the factors of leave time, security needs, and training
10 requirements.

11 (g) Mail to and from the state correctional system.

12 (h) Gain-time for good conduct of, release payments
13 to, and release transportation of inmates.

14 (i) Uniforms for inmates and custodial personnel.

15 (j) ~~Rules of~~ Conduct of custodial and other personnel.

16 (k) Classification of personnel and duties assigned
17 thereto and classification and separation of offenders
18 according to age, sex, and such other factors as are deemed
19 advisable.

20 (l) Credits for confinement prior to commitment to the
21 department.

22 (m) Payments to prisoners for work performed. Such
23 payments, if any, shall include restrictions on the use of
24 earnings, including payments for support of dependents and
25 release reserves. The rules shall provide that no payment
26 shall be made to any prisoner who fails to perform the work
27 assigned satisfactorily.

28 (n) Visiting hours and privileges. The rules shall
29 provide that any inmate with a current or prior conviction for
30 any offense contained in chapter 794, chapter 800, chapter
31 827, or chapter 847 for committing or attempting to commit

Amendment No. ____ (for drafter's use only)

1 aggravated child abuse or committing or attempting to commit a
2 sex act on, in the presence of, or against a child under the
3 age of 16 years, shall not be allowed visitation with anyone
4 under the age of 18 years, unless special visitation is
5 approved by the superintendent. The authorization for special
6 visitation shall be based on extenuating circumstances that
7 serve the interest of the children. If visiting is restricted
8 by court order, permission for special visitation may be
9 granted only by the judge issuing the order.

10 (o) Mail to and from inmates, including rules
11 specifying the circumstances under which an inmate must pay
12 for the cost of postage for mail that the inmate sends. The
13 department may not adopt a rule that requires an inmate to pay
14 any postage costs that the state is constitutionally required
15 to pay.

16 (p) The feeding of prisoners, including diet and
17 menus, and the furnishing of health and comfort items to
18 indigent prisoners.

19 (q) The determination of restitution, including the
20 amount and to whom it should be paid. The rules shall provide
21 necessary explanation to support recommendations regarding
22 restitution.

23 ~~(r) Such other rules as in the opinion of the~~
24 ~~department may be necessary for the efficient operation and~~
25 ~~management of the correctional system.~~

26 Section 228. Section 947.07, Florida Statutes, is
27 amended to read:

28 947.07 Rules ~~and regulations~~.--The commission has
29 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
30 ~~shall have power to make such rules and regulations as it~~
31 ~~deems best~~ for its governance, including among other things

Amendment No. ____ (for drafter's use only)

1 rules of practice and procedure and rules prescribing
2 qualifications to be possessed by its employees.

3 Section 229. Paragraph (b) of subsection (1) of
4 section 960.045, Florida Statutes, is amended to read:

5 960.045 Department of Legal Affairs; powers and
6 duties.--It shall be the duty of the department to assist
7 persons who are victims of crime.

8 (1) The department shall:

9 (b) ~~Adopt, promulgate, amend, and rescind such rules~~
10 pursuant to ss. 120.54 and 120.536(1) to implement as are
11 ~~necessary to carry out~~ the provisions of this chapter.

12 Section 230. Section 985.405, Florida Statutes, is
13 amended to read:

14 985.405 Rules for implementation.--The Department of
15 Juvenile Justice shall adopt rules pursuant to ss. 120.54 and
16 120.536(1) to implement the provisions of ~~for the efficient~~
17 ~~and effective management of all programs, services,~~
18 ~~facilities, and functions necessary for implementing~~ this
19 chapter. Such rules may not conflict with the Florida Rules of
20 Juvenile Procedure. All rules and policies must conform to
21 accepted standards of care and treatment.

22 Section 231. Subsection (1) of section 633.70, Florida
23 Statutes, is amended to read:

24 633.70 Jurisdiction of State Fire Marshal over alarm
25 system contractors and certified unlimited electrical
26 contractors.--

27 (1) When the State Fire Marshal, in the course of its
28 activities pursuant to s. 633.01 (2)~~s. 633.01(3)~~determines
29 that an alarm system contractor or a certified unlimited
30 electrical contractor working with an alarm system has
31 violated any provision of this chapter or the rules of the

Amendment No. ____ (for drafter's use only)

1 State Fire Marshal, the State Fire Marshal shall have
 2 jurisdiction, notwithstanding any other provision of this
 3 chapter, to order corrective action by the alarm system
 4 contractor or the certified unlimited electrical contractor to
 5 bring the alarm system into compliance with applicable
 6 standards set forth in this chapter and the rules of the State
 7 Fire Marshal.

8 Section 232. This act shall take effect July 1 of the
 9 year in which enacted.

10

11

12 ===== T I T L E A M E N D M E N T =====

13 And the title is amended as follows:

14 On page 1, lines 2-14,
 15 remove from the title of the bill: all of said lines

16

17 and insert in lieu thereof:

18 An act relating to administrative procedures;
 19 amending 370.06, F.S.; authorizing the
 20 Department of Environmental Protection to issue
 21 certain special activity licenses; authorizing
 22 rulemaking for issuance of broodstock special
 23 activities licenses; amending s. 370.12;
 24 authorizing rulemaking for issuance of special
 25 permits for marine turtles; providing a
 26 definition; amending s. 120.54, F.S.; requiring
 27 the Administration Commission to adopt uniform
 28 rules of procedure for certain administrative
 29 hearings; providing requirements; amending s.
 30 120.569, F.S.; providing requirements for
 31 petitions or requests for administrative

Amendment No. ____ (for drafter's use only)

1 hearings; providing procedural requirements for
2 agencies; providing for dismissal; requiring
3 notice; authorizing agencies to refer petitions
4 to the Division of Administrative Hearings
5 under certain circumstances; amending s.
6 120.57, F.S.; providing for motions for a
7 summary final order in administrative hearings
8 under certain circumstances; providing
9 requirements for such orders; providing
10 requirements for relinquishing jurisdiction of
11 certain proceedings to an agency; providing
12 procedures; amending ss. 14.202, 17.29, 18.22,
13 20.171, 63.233, 175.341, 177.504, 185.23,
14 198.08, 199.202, 201.11, 207.011, 210.10,
15 210.75, 212.17, 212.18, 213.06, 215.62, 215.95,
16 217.14, 220.182, 220.183, 229.053, 229.515,
17 230.22, 230.32, 231.261, 235.01, 240.209,
18 240.227, 240.311, 240.319, 242.331, 246.041,
19 246.051, 246.071, 246.207, 246.213, 253.03,
20 253.73, 257.14, 258.007, 258.43, 259.035,
21 259.041, 265.284, 265.605, 267.031, 280.19,
22 284.17, 288.709, 292.05, 310.151, 310.185,
23 319.17, 320.011, 320.69, 320.824, 324.042,
24 326.003, 327.04, 330.29, 334.044, 339.175,
25 350.127, 366.05, 367.121, 368.05, 369.20,
26 369.22, 369.251, 370.021, 370.092, 370.15,
27 373.043, 373.044, 373.113, 373.171, 373.337,
28 373.418, 376.07, 377.22, 377.703, 378.205,
29 378.404, 380.05, 380.0651, 381.0011, 384.33,
30 391.026, 392.66, 394.879, 395.1055, 403.061,
31 403.1835, 403.504, 403.523, 403.704, 403.716,

Amendment No. ____ (for drafter's use only)

1 403.805, 403.861, 403.869, 403.9404, 406.04,
2 408.15, 414.45, 427.013, 430.08, 440.591,
3 443.171, 455.203, 455.521, 457.104, 458.309,
4 459.005, 460.405, 461.005, 463.005, 464.006,
5 465.005, 465.022, 466.004, 466.038, 467.005,
6 468.1135, 468.1685, 468.204, 468.384, 468.402,
7 468.507, 468.522, 468.606, 468.705, 468.802,
8 470.005, 471.008, 472.008, 473.304, 474.206,
9 475.05, 475.614, 476.064, 477.016, 478.43,
10 480.035, 481.2055, 481.306, 482.051, 483.805,
11 484.005, 484.044, 486.025, 488.02, 489.108,
12 489.507, 490.004, 491.004, 492.104, 494.0011,
13 496.424, 497.103, 497.105, 498.007, 500.459,
14 501.014, 501.143, 501.626, 502.014, 503.031,
15 504.32, 516.22, 516.23, 517.03, 520.994,
16 526.09, 531.41, 548.003, 553.76, 560.105,
17 561.11, 570.07, 571.05, 571.24, 574.14, 578.11,
18 580.036, 583.04, 585.002, 593.103, 616.165,
19 616.256, 617.01301, 620.1835, 620.81055,
20 624.308, 624.4431, 626.943, 627.805, 627.9408,
21 628.535, 633.01, 633.517, 634.021, 634.302,
22 634.402, 635.081, 636.067, 641.403, 641.56,
23 648.26, 651.015, 655.012, 681.118, 717.138,
24 718.501, 719.501, 721.26, 723.006, 916.20,
25 943.03, 944.09, 947.07, 960.045, 985.405, F.S.;
26 restating rulemaking authority for numerous
27 state officers, departments, divisions, boards,
28 and other entities; repealing s. 258.011, F.S.,
29 relating to rules for state parks; amending s.
30 633.70, F.S.; conforming a cross-reference to a
31 change made by the act; providing an effective

Amendment No. ____ (for drafter's use only)

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31

date.