

1
2 An act relating to administrative procedures;
3 amending 370.06, F.S.; authorizing the
4 Department of Environmental Protection to issue
5 certain special activity licenses; authorizing
6 rulemaking for issuance of broodstock special
7 activities licenses; amending s. 370.12;
8 authorizing rulemaking for issuance of special
9 permits for marine turtles; providing a
10 definition; amending s. 120.54, F.S.; requiring
11 the Administration Commission to adopt uniform
12 rules of procedure for certain administrative
13 hearings; providing requirements; amending s.
14 120.569, F.S.; providing requirements for
15 petitions or requests for administrative
16 hearings; providing procedural requirements for
17 agencies; providing for dismissal; requiring
18 notice; authorizing agencies to refer petitions
19 to the Division of Administrative Hearings
20 under certain circumstances; amending s.
21 120.57, F.S.; providing for motions for a
22 summary final order in administrative hearings
23 under certain circumstances; providing
24 requirements for such orders; providing
25 requirements for relinquishing jurisdiction of
26 certain proceedings to an agency; providing
27 procedures; amending ss. 14.202, 17.29, 18.22,
28 20.171, 63.233, 175.341, 177.504, 185.23,
29 198.08, 199.202, 201.11, 207.011, 210.10,
30 210.75, 212.17, 212.18, 213.06, 215.62, 215.95,
31 217.14, 220.182, 220.183, 229.053, 229.515,

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1 230.22, 230.32, 231.261, 235.01, 240.209,
2 240.227, 240.311, 240.319, 242.331, 246.041,
3 246.051, 246.071, 246.207, 246.213, 253.03,
4 253.73, 257.14, 258.007, 258.43, 259.035,
5 259.041, 265.284, 265.605, 267.031, 280.19,
6 284.17, 288.709, 292.05, 310.151, 310.185,
7 319.17, 320.011, 320.69, 320.824, 324.042,
8 326.003, 327.04, 330.29, 334.044, 339.175,
9 350.127, 366.05, 367.121, 368.05, 369.20,
10 369.22, 369.251, 370.021, 370.092, 370.15,
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24 475.05, 475.614, 476.064, 477.016, 478.43,
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27 489.507, 490.004, 491.004, 492.104, 494.0011,
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30 504.32, 516.22, 516.23, 517.03, 520.994,
31 526.09, 531.41, 548.003, 553.76, 560.105,

1 561.11, 570.07, 571.05, 571.24, 574.14, 578.11,
2 580.036, 583.04, 585.002, 593.103, 616.165,
3 616.256, 617.01301, 620.1835, 620.81055,
4 624.308, 624.4431, 626.943, 627.805, 627.9408,
5 628.535, 633.01, 633.517, 634.021, 634.302,
6 634.402, 635.081, 636.067, 641.403, 641.56,
7 648.26, 651.015, 655.012, 681.118, 717.138,
8 718.501, 719.501, 721.26, 723.006, 916.20,
9 943.03, 944.09, 947.07, 960.045, 985.405, F.S.;
10 restating rulemaking authority for numerous
11 state officers, departments, divisions, boards,
12 and other entities; repealing s. 258.011, F.S.,
13 relating to rules for state parks; amending s.
14 633.70, F.S.; conforming a cross-reference to a
15 change made by the act; amending s. 334.044,
16 F.S.; providing specific rulemaking authority;
17 repealing s. 334.044(15), F.S., relating to
18 certain rulemaking authority; amending s.
19 370.092, F.S.; providing specific rulemaking
20 authority for the regulation of nets and boats
21 of a specific length; directing the Marine
22 Fisheries Commission to adopt rules prohibiting
23 the possession and sale of mullet taken in
24 illegal gill and entangling nets; amending s.
25 370.093, F.S.; authorizing the Marine Fisheries
26 Commission to adopt rules implementing s.
27 370.093, F.S.; providing an effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:
30
31

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

3 370.06 Licenses.--

4 (4) SPECIAL ACTIVITY LICENSES.--

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

15 (b) The department is authorized to issue special
16 activity licenses in accordance with this section and s.
17 370.31, to permit the importation, possession, and aquaculture
18 of anadromous sturgeon. The special activity license shall
19 provide for best management practices to prevent the release
20 and escape of cultured anadromous sturgeon and to protect
21 indigenous populations of saltwater species from
22 sturgeon-borne disease.

23 (c) The department is authorized to issue special
24 activity licenses in accordance with ss. 370.06, 370.071, and
25 370.101, aquaculture permit consolidation procedures in s.
26 370.26(3)(a) and rules of the Marine Fisheries Commission to
27 permit the capture and possession of saltwater species
28 protected by law and used as stock for artificial cultivation
29 and propagation.

30 (d) The department is authorized to adopt rules to
31 govern the administration of special activities licenses as

1 provided in this chapter and rules of the Marine Fisheries
2 Commission. Such rules may prescribe application requirements
3 and terms, conditions, and restrictions for any such special
4 activity license requested pursuant to this section.

5 Section 2. Paragraph (c) of subsection (1) of section
6 370.12, Florida Statutes, is amended to read:

7 370.12 Marine animals; regulation.--

8 (1) PROTECTION OF MARINE TURTLES.--

9 (c)1. Unless otherwise provided by the federal
10 Endangered Species Act or its implementing regulations, no
11 person may take, possess, disturb, mutilate, destroy, cause to
12 be destroyed, sell, offer for sale, transfer, molest, or
13 harass any marine turtle or its nest or eggs at any time. For
14 purposes of this subsection, "take" means an act which
15 actually kills or injures marine turtles, and includes
16 significant habitat modification or degradation that kills or
17 injures marine turtles by significantly impairing essential
18 behavioral patterns, such as breeding, feeding, or sheltering.

19 2. Unless otherwise provided by the federal Endangered
20 Species Act or its implementing regulations, no person, firm,
21 or corporation may take, kill, disturb, mutilate, molest,
22 harass, or destroy any marine turtle.

23 3. No person, firm, or corporation may possess any
24 marine turtle, their nests, eggs, hatchlings, or parts thereof
25 unless it is in possession of a special permit or loan
26 agreement from the department enabling the holder to possess a
27 marine turtle or parts thereof for scientific, educational, or
28 exhibitional purposes, or for conservation activities such as
29 relocating nests, eggs, or animals away from construction
30 sites. Notwithstanding any other provisions of general or
31 special law to the contrary, the department may issue such

1 authorization to any properly accredited person for the
2 purpose of marine turtle conservation upon such terms,
3 conditions, and restrictions as it may prescribe by rule. The
4 department shall have the authority to adopt rules to permit
5 the possession of marine turtles pursuant to this paragraph.
6 For the purposes of this subsection, a "properly accredited
7 person" is defined as:

8 a. Students of colleges or universities whose studies
9 with saltwater animals are under the direction of their
10 teacher or professor;

11 b. Scientific or technical faculty of public or
12 private colleges or universities;

13 c. Scientific or technical employees of private
14 research institutions and consulting firms;

15 d. Scientific or technical employees of city, county,
16 state or federal research or regulatory agencies;

17 e. Members in good standing or recognized and properly
18 chartered conservation organizations, the Audubon Society, or
19 the Sierra Club;

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

23 g. Persons without specific affiliations listed above,
24 but who are recognized by the department for their
25 contributions to marine conservation such as scientific or
26 technical publications, or through a history of cooperation
27 with the department in conservation programs such as turtle
28 nesting surveys, or through advanced educational programs such
29 as high school marine science centers.

30 Section 3. Paragraph (b) of subsection (5) of section
31 120.54, Florida Statutes, is amended to read:

1 120.54 Rulemaking.--

2 (5) UNIFORM RULES.--

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

6 1. Uniform rules for the scheduling of public
7 meetings, hearings, and workshops.

8 2. Uniform rules for use by each state agency that
9 provide procedures for conducting public meetings, hearings,
10 and workshops, and for taking evidence, testimony, and
11 argument at such public meetings, hearings, and workshops, in
12 person and by means of communications media technology. The
13 rules shall provide that all evidence, testimony, and argument
14 presented shall be afforded equal consideration, regardless of
15 the method of communication. If a public meeting, hearing, or
16 workshop is to be conducted by means of communications media
17 technology, or if attendance may be provided by such means,
18 the notice shall so state. The notice for public meetings,
19 hearings, and workshops utilizing communications media
20 technology shall state how persons interested in attending may
21 do so and shall name locations, if any, where communications
22 media technology facilities will be available. Nothing in this
23 paragraph shall be construed to diminish the right to inspect
24 public records under chapter 119. Limiting points of access to
25 public meetings, hearings, and workshops subject to the
26 provisions of s. 286.011 to places not normally open to the
27 public shall be presumed to violate the right of access of the
28 public, and any official action taken under such circumstances
29 is void and of no effect. Other laws relating to public
30 meetings, hearings, and workshops, including penal and
31 remedial provisions, shall apply to public meetings, hearings,

1 and workshops conducted by means of communications media
2 technology, and shall be liberally construed in their
3 application to such public meetings, hearings, and workshops.
4 As used in this subparagraph, "communications media
5 technology" means the electronic transmission of printed
6 matter, audio, full-motion video, freeze-frame video,
7 compressed video, and digital video by any method available.

8 3. Uniform rules of procedure for the filing of notice
9 of protests and formal written protests.

10 4. Uniform rules of procedure for the filing of
11 petitions for administrative hearings pursuant to s. 120.569
12 or s. 120.57. Such rules shall include:

13 a. The identification of the petitioner.

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

16 c. An explanation of how the petitioner's substantial
17 interests are or will be affected by the action or proposed
18 action.

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

21 e. A statement of the ultimate facts alleged,
22 including a statement of the specific facts the petitioner
23 contends warrant reversal or modification of the agency's
24 proposed action.

25 f. A statement of the specific rules or statutes the
26 petitioner contends require reversal or modification of the
27 agency's proposed action.

28 g. A statement of the relief sought by the petitioner,
29 stating precisely the action petitioner wishes the agency to
30 take with respect to the proposed action.

31

1 ~~5.4.~~ Uniform rules of procedure for the filing and
2 prompt disposition of petitions for declaratory statements.

3 ~~6.5.~~ Provision of a method by which each agency head
4 shall provide a description of the agency's organization and
5 general course of its operations.

6 ~~7.6.~~ Uniform rules establishing procedures for
7 granting or denying petitions for variances and waivers
8 pursuant to s. 120.542.

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

13 120.569 Decisions which affect substantial
14 interests.--

15 (2)

16 (c) Unless otherwise provided by law, a petition or
17 request for hearing shall include those items required by the
18 uniform rules adopted pursuant to s. 120.54(5)(b)4. Upon the
19 receipt of a petition or request for hearing, the agency shall
20 carefully review the petition to determine if it contains all
21 of the required information. A petition shall be dismissed if
22 it is not in substantial compliance with these requirements or
23 it has been untimely filed. Dismissal of a petition shall, at
24 least once, be without prejudice to petitioner's filing a
25 timely amended petition curing the defect, unless it
26 conclusively appears from the face of the petition that the
27 defect cannot be cured. The agency shall promptly give
28 written notice to all parties of the action taken on the
29 petition, shall state with particularity its reasons if the
30 petition is not granted, and shall state the deadline for
31 filing an amended petition if applicable.

1 (d) The agency may refer a petition to the division
2 for the assignment of an administrative law judge only if the
3 petition is in substantial compliance with the requirements of
4 paragraph (c).

5 Section 5. Paragraphs (h), (i), (j), (k), and (l) of
6 subsection (1) of section 120.57, Florida Statutes, are
7 renumbered as paragraphs (j), (k), (l), (m), and (n),
8 respectively, and new paragraphs (h) and (i) are added to said
9 subsection, to read:

10 120.57 Additional procedures for particular cases.--

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

13 (h) Any party to a proceeding in which an
14 administrative law judge of the Division of Administrative
15 Hearings has final order authority may move for a summary
16 final order when there is no genuine issue as to any material
17 fact. A summary final order shall be rendered if the
18 administrative law judge determines from the pleadings,
19 depositions, answers to interrogatories, and admissions on
20 file, together with affidavits, if any, that no genuine issue
21 as to any material fact exists and that the moving party is
22 entitled as a matter of law to the entry of a final order. A
23 summary final order shall consist of findings of fact, if any,
24 conclusions of law, a disposition or penalty, if applicable,
25 and any other information required by law to be contained in
26 the final order.

27 (i) When, in any proceeding conducted pursuant to this
28 subsection, a dispute of material fact no longer exists, any
29 party may move the administrative law judge to relinquish
30 jurisdiction to the agency. In ruling on such a motion, the
31 administrative law judge may consider the pleadings,

1 depositions, answers to interrogatories, and admissions on
2 file, together with supporting and opposing affidavits, if
3 any. If the administrative law judge enters an order
4 relinquishing jurisdiction, the agency may promptly conduct a
5 proceeding pursuant to subsection (2), if appropriate, but the
6 parties may not raise any issues of disputed fact that could
7 have been raised before the administrative law judge. An
8 order entered by an administrative law judge relinquishing
9 jurisdiction to the agency based upon a determination that no
10 genuine dispute of material fact exists, need not contain
11 findings of fact, conclusions of law, or a recommended
12 disposition or penalty.

13 Section 6. Section 14.202, Florida Statutes, is
14 amended to read:

15 14.202 Administration Commission.--There is created as
16 part of the Executive Office of the Governor an Administration
17 Commission composed of the Governor and Cabinet. The Governor
18 is chair of the commission. The Governor or Comptroller may
19 call a meeting of the commission promptly each time the need
20 therefor arises. Unless otherwise provided herein,
21 affirmative action by the commission shall require the
22 approval of the Governor and at least three other members of
23 the commission. The commission shall adopt ~~such~~ rules pursuant
24 to ss. 120.54 and 120.536(1) to implement provisions of law
25 ~~conferring duties upon it as it deems necessary to carry out~~
26 ~~its duties and responsibilities.~~

27 Section 7. Section 17.29, Florida Statutes, is amended
28 to read:

29 17.29 Authority to prescribe rules.--The Comptroller
30 has authority to adopt rules pursuant to ss. 120.54 and
31 120.536(1) to implement duties assigned by statute or the

1 State Constitution ~~may prescribe any rule he or she considers~~
2 ~~necessary to properly fulfill his or her constitutional and~~
3 ~~statutory duties.~~ Such rules may include, but are not limited
4 to, the following:

5 (1) Procedures or policies relating to the processing
6 of payments from salaries, other personal services, or any
7 other applicable appropriation.

8 (2) Procedures for processing interagency and
9 intraagency payments which do not require the issuance of a
10 state warrant.

11 Section 8. Section 18.22, Florida Statutes, is amended
12 to read:

13 18.22 Rules ~~and regulations.~~ --The department has
14 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
15 to implement ~~All rules and regulations necessary to effectuate~~
16 ~~the provisions of this chapter may be adopted by the~~
17 ~~department in accordance with the provisions of chapter 120.~~

18 Section 9. Paragraph (k) of subsection (4) of section
19 20.171, Florida Statutes, is amended to read:

20 20.171 Department of Labor and Employment
21 Security.--There is created a Department of Labor and
22 Employment Security.

23 (4)

24 (k) The commission has authority to ~~shall, in~~
25 ~~accordance with chapter 120, adopt, promulgate, amend, or~~
26 ~~rescind such rules pursuant to ss. 120.54 and 120.536(1) to~~
27 implement provisions of law conferring duties upon it ~~as it~~
28 ~~deems necessary and administratively feasible to carry out its~~
29 ~~responsibilities.~~

30 Section 10. Section 63.233, Florida Statutes, is
31 amended to read:

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

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

6 175.341 Duties of Division of Retirement; rulemaking
7 authority; investments by the 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 12. Paragraph (e) of subsection (2) of section
13 177.504, Florida Statutes, is amended to read:

14 177.504 Powers and duties of the department.--

15 (2) The functions, duties, and responsibilities of the
16 department shall be:

17 (e) To adopt rules pursuant to ss. 120.54 and
18 120.536(1) and regulations necessary to implement the
19 provisions of carry out the purpose of this act.

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

22 185.23 Duties of Division of Retirement; rulemaking;
23 investment by State Board of Administration.--

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

28 Section 14. Section 198.08, Florida Statutes, is
29 amended to read:

30 198.08 Rules ~~and regulations~~.--The department has
31 authority to adopt ~~may from time to time make such rules~~

1 pursuant to ss. 120.54 and 120.536(1)~~and regulations not~~
2 ~~inconsistent with this chapter as it may deem necessary to~~
3 enforce the provisions of this chapter and may adopt, as
4 rules, such rules and regulations as are ~~or may be~~ promulgated
5 with respect to the estate tax or generation-skipping transfer
6 tax provisions of the Revenue Act of the United States insofar
7 as they are ~~shall be~~ applicable hereto. The department may
8 from time to time prescribe such forms as it shall deem proper
9 for the administration of this chapter.

10 Section 15. Section 199.202, Florida Statutes, is
11 amended to read:

12 199.202 Administration of law; rules.--The department
13 shall administer and enforce the assessment and collection of
14 the taxes, interest, and penalties imposed by this chapter. It
15 may by rule prescribe the form and content of all returns and
16 reports. It has authority to adopt rules pursuant to ss.
17 120.54 and 120.536(1)~~is further authorized to promulgate all~~
18 ~~other rules not inconsistent with this chapter as it deems~~
19 ~~necessary to administer and enforce the provisions of this~~
20 chapter.

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

23 201.11 Administration of law by Department of
24 Revenue.--

25 (1) The administration of this chapter shall be vested
26 in the Department of Revenue, which has authority to adopt
27 rules pursuant to ss. 120.54 and 120.536(1) to enforce the
28 provisions of this chapter ~~shall prescribe suitable rules and~~
29 ~~regulations for the enforcement of the provisions thereof, and~~
30 shall administer and enforce the taxes levied and imposed by
31 this chapter. The Department of Revenue may enter upon the

1 premises of any taxpayer, and examine or cause to be examined
2 by any agent or representative designated by it for that
3 purpose, any books, papers, records, or memoranda bearing upon
4 the amount of taxes payable, and secure other information
5 directly or indirectly concerned in the enforcement of this
6 chapter. Any person, subject to this tax, who shall by any
7 practice or evasion make it difficult to enforce the
8 provisions of this chapter by inspection, or any person, agent
9 or officer, who shall, after demand by the department or any
10 agent or representative designated by it for that purpose,
11 refuse to allow full inspection of the premises or any part
12 thereof, or any books, records, documents, or other
13 instruments in any way relating to the liability of the
14 taxpayer for the tax herein imposed, or shall hinder or in
15 anywise delay or prevent such inspection, shall be guilty of a
16 misdemeanor of the second degree, punishable as provided in s.
17 775.082 or s. 775.083.

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

20 207.011 Inspection of records; hearings; forms;
21 rules.--

22 (2) The department has authority to adopt rules
23 pursuant to ss. 120.54 and 120.536(1) to enforce the
24 provisions of ~~shall have the authority to prescribe all rules~~
25 ~~necessary for the enforcement of this chapter.~~

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

28 210.10 General powers of the Division of Alcoholic
29 Beverages and Tobacco.--

30 (1) The Division of Alcoholic Beverages and Tobacco
31 has authority to adopt rules pursuant to ss. 120.54 and

1 120.536(1) to implement ~~is authorized to prescribe and~~
2 ~~promulgate all rules and regulations necessary to effectuate~~
3 ~~the provisions of this part consistent with the terms hereof.~~
4 All cigarette permits issued hereunder shall have printed
5 thereon a notice to the effect that such permit is issued
6 subject to the provisions of this part and such ~~said~~ rules and
7 ~~regulations~~. The division shall provide upon request without
8 charge to any applicant for a permit a copy of this part and
9 the rules ~~and regulations~~ prescribed by it pursuant hereto.

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

12 210.75 Administration.--

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

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

19 212.17 Credits for returned goods, rentals, or
20 admissions; additional powers of department.--

21 (6) The department has authority to adopt rules
22 pursuant to ss. 120.54 and 120.536(1) to enforce the
23 provisions of this chapter ~~shall have the power to make,~~
24 ~~prescribe and publish reasonable rules and regulations not~~
25 ~~inconsistent with this chapter, or the other laws, or the~~
26 ~~constitution of this state, or the United States, for the~~
27 ~~enforcement of the provisions of this chapter and the~~
28 ~~collection of revenue hereunder, and such rules and~~
29 ~~regulations shall when enforced be deemed to be reasonable and~~
30 ~~just.~~

31

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

3 212.18 Administration of law; registration of dealers;
4 rules.--

5 (2) The department shall administer and enforce the
6 assessment and collection of the taxes, interest, and
7 penalties imposed by this chapter. It has authority to adopt
8 rules pursuant to ss. 120.54 and 120.536(1) to enforce the
9 provisions of ~~is authorized to make and publish such rules and~~
10 ~~regulations not inconsistent with this chapter, as it may deem~~
11 ~~necessary in enforcing its provisions~~ in order that there
12 shall not be collected on the average more than the rate
13 levied herein. The department is authorized to and it shall
14 provide by rule ~~and regulation~~ a method for accomplishing this
15 end. It shall prepare instructions to all persons required by
16 this chapter to collect and remit the tax to guide such
17 persons in the proper collection and remission of such tax and
18 to instruct such persons in the practices that may be
19 necessary for the purpose of enforcement of this chapter and
20 the collection of the tax imposed hereby. The use of tokens
21 in the collection of this tax is hereby expressly forbidden
22 and prohibited.

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

25 213.06 Rules of department; circumstances requiring
26 emergency rules.--

27 (1) The Department of Revenue has the ~~is granted~~
28 authority to adopt ~~such~~ rules pursuant to ss. 120.54 and
29 120.536(1) ~~as are necessary to implement provisions of~~ carry
30 ~~out the intent and purposes of this chapter and all other~~
31 revenue laws ~~administered by the department, and it may amend~~

1 ~~such rules to conform to legislation or departmental policy~~
2 ~~changes made in the absence of any legislation.~~

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

5 215.62 Division of Bond Finance.--

6 (5) The board has authority ~~shall have power~~ to adopt
7 ~~such rules pursuant to ss. 120.54 and 120.536(1) to implement~~
8 ~~provisions of law conferring duties on it and regulations as~~
9 ~~may be necessary for carrying out the duties of the division.~~

10 The board shall hold regular and special meetings at such
11 places and times, in such manner, and after such notice as may
12 be provided by resolution adopted by the board or upon call of
13 the chair.

14 Section 24. Paragraph (a) of subsection (2) of section
15 215.95, Florida Statutes, is amended to read:

16 215.95 Financial Management Information Board.--

17 (2) To carry out its duties and responsibilities, the
18 board shall by majority vote:

19 (a) Adopt ~~such~~ rules pursuant to ss. 120.54 and
20 120.536(1), policies, procedures, principles, and standards as
21 ~~deemed necessary~~ to implement the Florida Financial Management
22 Information System.

23 Section 25. Section 217.14, Florida Statutes, is
24 amended to read:

25 217.14 Adoption of rules ~~and regulations.~~--The
26 department has authority ~~is authorized~~ to adopt, ~~promulgate,~~
27 ~~and repeal~~ rules pursuant to ss. 120.54 and 120.536(1) to
28 implement the provisions of ~~and carry out the purpose of this~~
29 ~~chapter, in compliance with chapter 120.~~

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

1 220.182 Enterprise zone property tax credit.--
2 (8) The department has authority to adopt rules
3 pursuant to ss. 120.54 and 120.536(1) to implement the
4 provisions of ~~shall promulgate any rules necessary to ensure~~
5 ~~the orderly implementation and administration of this act.~~

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

8 220.183 Community contribution tax credit.--

9 (6) ADMINISTRATION.--

10 (a) The Office of Tourism, Trade, and Economic
11 Development has authority to adopt rules pursuant to ss.
12 120.54 and 120.536(1)~~is authorized to promulgate all rules~~
13 ~~necessary to implement the provisions of~~ administer this
14 section, including rules for the approval or disapproval of
15 proposals by business firms.

16 (d) The Department of Revenue has authority to adopt
17 rules 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 section.~~

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

22 229.053 General powers of state board.--

23 (1) The State Board of Education is the chief
24 policymaking and coordinating body of public education in
25 Florida. It has authority to adopt rules pursuant to ss.
26 120.54 and 120.536(1) to implement the provisions of law
27 conferring duties upon it ~~has the general powers to determine,~~
28 ~~adopt, or prescribe such policies, rules, regulations, or~~
29 ~~standards as are required by law or as it may find necessary~~
30 for the improvement of the state system of public education.
31 Except as otherwise provided herein, it may, as it shall find

1 appropriate, delegate its general powers to the Commissioner
2 of Education or the directors of the divisions of the
3 department.

4 Section 29. Section 229.515, Florida Statutes, is
5 amended to read:

6 229.515 Rules and standards have force of law.--The
7 Commissioner of Education has authority to adopt rules
8 pursuant to ss. 120.54 and 120.536(1) to implement the
9 provisions of ~~may prescribe such rules and minimum standards~~
10 ~~as are necessary to carry out his or her responsibilities~~
11 ~~under the school code~~ conferring duties upon the commissioner,
12 with the exception of provisions relating to state
13 universities and community colleges and the Florida School for
14 the Deaf and the Blind, ~~and all such rules and minimum~~
15 ~~standards, if not in conflict with the school code, have the~~
16 ~~full force and effect of law. The commissioner, in prescribing~~
17 ~~such rules, is considered an "agency" for purposes of chapter~~
18 ~~120.~~

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

21 230.22 General powers of school board.--The school
22 board, after considering recommendations submitted by the
23 superintendent, shall exercise the following general powers:

24 (2) Adopt ~~such~~ rules pursuant to ss. 120.54 and
25 120.536(1) to implement the provisions of law conferring
26 duties upon it ~~and regulations~~ to supplement those prescribed
27 by the state board and the commissioner ~~as in its opinion will~~
28 ~~contribute to the more orderly and efficient operation of the~~
29 ~~district school system.~~

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

1 230.32 General powers of superintendents.--The
2 superintendent shall have the authority, and when necessary
3 for the more efficient and adequate operation of the district
4 school system, the superintendent shall exercise the following
5 powers:

6 (4) RECOMMEND AND EXECUTE RULES ~~AND~~
7 ~~REGULATIONS~~.--Prepare and organize by subjects and submit to
8 the school board for adoption such rules ~~and regulations~~ to
9 supplement those adopted by the state board or the
10 commissioner as, in the superintendent's opinion, will
11 contribute to the efficient operation of any aspect of
12 education in the district. When rules ~~and regulations~~ have
13 been adopted, the superintendent shall see that they are
14 executed.

15 Section 32. Paragraph (d) of subsection (7) of section
16 231.261, Florida Statutes, is amended to read:

17 231.261 Education Practices Commission;
18 organization.--

19 (7) The duties and responsibilities of the commission
20 are to:

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

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

26 235.01 Purpose; rules.--

27 (2) The Commissioner of Education shall adopt rules
28 pursuant to ss. 120.54 and 120.536(1)to implement the
29 provisions of this chapter.

30
31

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

4 240.209 Board of Regents; powers and duties.--

5 (1) The Board of Regents is primarily responsible for
6 adopting systemwide rules pursuant to ss. 120.54 and
7 120.536(1) to implement provisions of law conferring duties
8 upon it and policies; planning for the future needs of the
9 State University System; planning the programmatic, financial,
10 and physical development of the system; reviewing and
11 evaluating the instructional, research, and service programs
12 at the universities; coordinating program development among
13 the universities; and monitoring the fiscal performance of the
14 universities.

15 (3) The board shall:

16 (r) Adopt ~~such~~ rules pursuant to ss. 120.54 and
17 120.536(1) to implement provisions of law conferring duties
18 upon it ~~as are necessary to carry out its duties and~~
19 ~~responsibilities~~.

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

22 240.227 University presidents; powers and duties.--The
23 president is the chief administrative officer of the
24 university and is responsible for the operation and
25 administration of the university. Each university president
26 shall:

27 (1) ~~Develop and~~ Adopt rules pursuant to ss. 120.54 and
28 120.536(1) to implement provisions of law governing the
29 operation and administration of the university. Such rules
30 shall be consistent with the mission of the university and
31 statewide rules and policies and shall assist in the

1 development of the university in a manner which will
2 complement the missions and activities of the other
3 universities for the overall purpose of achieving the highest
4 quality of education for the citizens of the state.

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

7 240.311 State Board of Community Colleges; powers and
8 duties.--

9 (2) The State Board of Community Colleges is
10 responsible for ~~the establishing and developing of rules and~~
11 ~~policies which will ensure~~ the operation and maintenance of a
12 state community college system, as defined in s.
13 228.041(1)(b), in a coordinated, efficient, and effective
14 manner. The State Board of Community Colleges has authority to
15 adopt rules pursuant to ss. 120.54 and 120.536(1) to implement
16 provisions of law conferring duties upon it. Such rules and
17 policies shall be submitted to the State Board of Education
18 for approval. If any rule is not disapproved by the State
19 Board of Education within 45 days of its receipt by the State
20 Board of Education, the rule shall be filed immediately with
21 the Department of State.

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

25 240.319 Community college district boards of trustees;
26 duties and powers.--

27 (2) ~~In carrying out this responsibility,~~ The board of
28 trustees, after considering recommendations submitted by the
29 community college president, has authority to adopt rules
30 pursuant to ss. 120.54 and 120.536(1) to implement the
31 provisions of law conferring duties upon it ~~shall be~~

1 ~~authorized to adopt such rules, procedures, and policies as~~
2 ~~are necessary to operate the community college in such a~~
3 ~~manner as to assure the fulfillment of the responsibilities~~
4 ~~assigned to the board of trustees. These rules, procedures,~~
5 ~~and policies~~ may supplement those prescribed by the State
6 Board of Education and the State Board of Community Colleges
7 if they will contribute to the more orderly and efficient
8 operation of the state community college system.

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

11 242.331 Florida School for the Deaf and the Blind;
12 board of trustees.--

13 (3) The board of trustees has authority to adopt rules
14 pursuant to ss. 120.54 and 120.536(1) to implement provisions
15 of law relating to operation of ~~is authorized to adopt such~~
16 ~~rules as are necessary to operate~~ the Florida School for the
17 Deaf and the Blind. Such rules shall be submitted to the State
18 Board of Education for approval or disapproval. If any rule is
19 not disapproved by the State Board of Education within 60 days
20 of its receipt by the State Board of Education, the rule shall
21 be filed immediately with the Department of State. The board
22 of trustees shall act at all times in conjunction with the
23 rules of the State Board of Education.

24 Section 39. Paragraph (e) of subsection (1) of section
25 246.041, Florida Statutes, is amended to read:

26 246.041 Powers and duties of board.--

27 (1) The board shall:

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

31

1 Section 40. Section 246.051, Florida Statutes, is
2 amended to read:

3 246.051 Administration by board.--The provisions of
4 ss. 246.011-246.151 shall be administered by the board which
5 in connection therewith has the power:

6 (1) To adopt ~~such~~ rules pursuant to ss. 120.54 and
7 120.536(1) to implement ~~as it may find necessary to carry out~~
8 ~~the objectives, purposes, and directives of ss.~~
9 246.011-246.151;

10 (2) To execute such ~~standards and rules and~~
11 ~~regulations~~ as shall be adopted for the operation and
12 establishment of nonpublic colleges; and

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

15 Section 41. Section 246.071, Florida Statutes, is
16 amended to read:

17 246.071 Rules of State Board of Independent Colleges
18 and Universities.--The State Board of Independent Colleges and
19 Universities has authority ~~is authorized~~ to adopt ~~such~~ rules
20 pursuant to ss. 120.54 and 120.536(1) to implement ~~as are~~
21 ~~necessary to carry out the objectives, purposes, and~~
22 ~~directives of ss. 246.011-246.151.~~ Such rules shall be
23 submitted to the State Board of Education for approval or
24 disapproval. If any rule is not disapproved by the State
25 Board of Education within 60 days after its receipt by the
26 State Board of Education, the rule shall be filed immediately
27 with the Department of State.

28 Section 42. Paragraph (e) of subsection (1) of section
29 246.207, Florida Statutes, is amended to read:

30 246.207 Powers and duties of board.--

31 (1) The board shall:

1 (e) Prescribe and recommend to the State Board of
2 Education rules to implement ~~as are required by~~ ss.
3 246.201-246.231 ~~or as it may find necessary to aid in carrying~~
4 ~~out the objectives and purposes of ss. 246.201-246.231.~~

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

7 246.213 Power of State Board of Education.--

8 (1) The State Board of Education, acting on the
9 recommendation of the State Board of Independent Postsecondary
10 Vocational, Technical, Trade, and Business Schools, shall
11 adopt ~~such~~ minimum standards for schools and other rules
12 pursuant to ss. 120.54 and 120.536(1) to implement ~~as are~~
13 ~~required for the administration of~~ ss. 246.201-246.231.

14 Section 44. Paragraph (a) of subsection (7) of section
15 253.03, Florida Statutes, is amended to read:

16 253.03 Board of trustees to administer state lands;
17 lands enumerated.--

18 (7)(a) The Board of Trustees of the Internal
19 Improvement Trust Fund is hereby authorized and directed to
20 administer all state-owned lands and shall be responsible for
21 the creation of an overall and comprehensive plan of
22 development concerning the acquisition, management, and
23 disposition of state-owned lands so as to ensure maximum
24 benefit and use. The Board of Trustees of the Internal
25 Improvement Trust Fund has authority to ~~shall~~ adopt rules
26 pursuant to ss. 120.54 and 120.536(1) to implement the
27 provisions of ~~and regulations necessary to carry out the~~
28 ~~purposes of this act as set forth in this section.~~

29 Section 45. Section 253.73, Florida Statutes, is
30 amended to read:

31

1 253.73 Rules ~~and regulations~~; ss.
2 253.67-253.75.--~~Subject to the requirements of chapter 120,~~
3 The board has authority to may adopt rules pursuant to ss.
4 120.54 and 120.536(1) to administer ~~and regulations necessary~~
5 ~~and appropriate to carry out~~ the provisions of ss.
6 253.67-253.75.

7 Section 46. Section 257.14, Florida Statutes, is
8 amended to read:

9 257.14 Division of Library and Information Services;
10 rules.--The Division of Library and Information Services has
11 authority to may adopt rules pursuant to ss. 120.54 and
12 120.536(1)to implement ~~carry out~~ the provisions of this
13 chapter.

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

16 258.007 Powers of division.--

17 (2) The division has authority to adopt rules pursuant
18 to ss. 120.54 and 120.536(1) to implement provisions of law
19 conferring duties on it ~~shall make and publish such rules and~~
20 ~~regulations as it may deem necessary or proper for the~~
21 ~~management and use of the parks, monuments, and memorials~~
22 ~~under its jurisdiction, and the violation of any rule of the~~
23 ~~rules and regulations~~ authorized by this section shall be a
24 misdemeanor and punishable accordingly.

25 Section 48. Section 258.011, Florida Statutes, is
26 repealed.

27 Section 49. Section 258.43, Florida Statutes, is
28 amended to read:

29 258.43 Rules ~~and regulations~~.--

30 (1) The Board of Trustees of the Internal Improvement
31 Trust Fund has authority to adopt rules pursuant to ss. 120.54

1 and 120.536(1) to implement ~~shall adopt and enforce reasonable~~
2 ~~rules and regulations to carry out~~ the provisions of this act
3 and specifically to provide regulation of human activity
4 within the preserve in such a manner as not to unreasonably
5 interfere with lawful and traditional public uses of the
6 preserve, such as sport and commercial fishing, boating, and
7 swimming.

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

12 (3) The Board of Trustees of the Internal Improvement
13 Trust Fund may delegate to a local government, by agreement,
14 the power and duty to administer and enforce the standards and
15 criteria established in a resource inventory and management
16 plan adopted by the board, if the board determines that such a
17 delegation is in the public interest.

18 (a) Such delegation shall be made only if the board
19 determines that the local government's program for
20 administering and enforcing the adopted standards and
21 criteria:

22 1. Adopts, by ordinance, standards and criteria no
23 less restrictive than those in the management plan approved by
24 the board pursuant to the provisions of rule 18-20.013(2),
25 Florida Administrative Code; provided, however nothing
26 contained in this subsection shall expand the powers,
27 jurisdiction, or authority granted pursuant to this chapter.
28 When a local government's program proposes to include
29 standards and criteria that are more restrictive than those in
30 the management plan approved by the board, such standards and
31 criteria shall not be effective until they have been approved

1 by the board as being consistent with the provisions of this
2 chapter.

3 2. Provides for the enforcement of such requirements
4 by appropriate administrative and judicial processes.

5 3. Provides for administrative organization, staff,
6 and financial and other resources necessary to effectively and
7 efficiently enforce such requirements.

8 4. Provides for improved management and enforcement of
9 the standards and criteria in the resource inventory and
10 management plans and of the rules adopted by the board
11 pertaining to state-owned lands.

12 (b) Such delegation may not include the authority to
13 grant approval for the sale, lease, easement, or other uses of
14 state-owned sovereignty lands that require approval by the
15 board as provided by the board's rules on October 1, 1989.
16 This provision shall not preclude agreements between the board
17 and local governments that may provide that the local
18 government shall process applications and present
19 recommendations for final action to the board.

20 (c) The board shall give prior notice of its intention
21 to enter into an agreement as described in this subsection, as
22 provided by s. 253.115. The Division of State Lands of the
23 Department of Environmental Protection shall update its rules
24 annually to include a list of the management agreements
25 adopted pursuant to this subsection. The list shall identify
26 the parties to, and the date and location of, each agreement,
27 and shall specify the nature of the authority delegated by the
28 agreement.

29 (d) The board may designate the local government as
30 its enforcement arm for purposes of s. 258.46, and the local
31 government shall have the authority to directly enforce the

1 provisions of that section or to rely on the enforcement
2 provisions of the local ordinance implementing the management
3 plan. The governing body of the local government shall seek
4 approval from the Division of State Lands before seeking the
5 elevated penalties associated with direct enforcement of s.
6 258.46 in lieu of penalties associated with violation of its
7 ordinance. Nothing in this subsection shall affect the
8 authority of the division to enforce the provisions of this
9 act.

10 (e) Each year on the anniversary of any delegation
11 pursuant to this subsection, the staff of the department shall
12 present to the board an evaluation of decisions made by the
13 local governments during the previous year. The board shall,
14 upon reviewing this evaluation, either act to renew the
15 delegation, act to retract the delegation, or act to renew the
16 delegation with specific directives to the local government to
17 take corrective action concerning any deficiencies in its
18 processing or application of the standards and criteria in the
19 rules approved by the board or a management plan adopted for
20 the preserves.

21 (f) Nothing contained in this subsection shall affect
22 the powers, duties, or procedures set forth in chapter 403.

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

25 259.035 Advisory council; powers and duties.--

26 (1) There is created a Land Acquisition and Management
27 Advisory Council to be composed of the secretary and a
28 designee of the department, the director of the Division of
29 Forestry of the Department of Agriculture and Consumer
30 Services, the executive director of the Game and Fresh Water
31 Fish Commission, the director of the Division of Historical

1 Resources of the Department of State, and the secretary of the
2 Department of Community Affairs, or their respective
3 designees. The chairmanship of the council shall rotate
4 annually in the foregoing order. The council shall hold
5 periodic meetings at the request of the chair. The department
6 shall provide primary staff support to the council and shall
7 ensure that council meetings are electronically recorded. Such
8 recordings shall be preserved pursuant to chapters 119 and
9 257. The department has authority to ~~may~~ adopt rules pursuant
10 to ss. 120.54 and 120.536(1) to implement the provisions of
11 ~~any rule or form necessary to implement~~ this section.

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

14 259.041 Acquisition of state-owned lands for
15 preservation, conservation, and recreation purposes.--

16 (2) The board of trustees has authority to ~~shall~~ adopt
17 ~~and may modify or repeal such~~ rules pursuant to ss. 120.54 and
18 120.536(1) as are necessary to implement the provisions ~~carry~~
19 ~~out the purposes~~ of this section, including rules governing
20 the terms and conditions of land purchases. Such rules shall
21 address with specificity, but not be limited to:

22 (a) The procedures to be followed in the acquisition
23 process, including selection of appraisers, surveyors, title
24 agents and closing agents, and the content of appraisal
25 reports.

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

28 (c) Special requirements when multiple landowners are
29 involved in an acquisition.

30
31

1 (d) Requirements for obtaining written option
2 agreements so that the interests of the state are fully
3 protected.

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

6 265.284 Chief cultural officer; director of division;
7 powers and duties.--

8 (5) The division is further authorized to:

9 (d) Adopt rules pursuant to ss. 120.54 and 120.536(1)
10 to implement provisions of law conferring duties on it
11 ~~Promulgate such rules as are necessary to carry out its~~
12 ~~duties.~~

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

15 265.605 Cultural Endowment Program; rulemaking.--

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

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

21 267.031 Division of Historical Resources.--

22 (1) The division has authority to ~~shall~~ adopt ~~such~~
23 rules pursuant to ss. 120.54 and 120.536(1)~~as deemed~~
24 ~~necessary to implement provisions of~~ carry out its duties and
25 ~~responsibilities under this chapter~~ conferring duties upon it.

26 Section 55. Section 280.19, Florida Statutes, is
27 amended to read:

28 280.19 Rules.--The Treasurer shall adopt ~~such~~ rules
29 pursuant to ss. 120.54 and 120.536(1)~~and prescribe such forms~~
30 ~~as may be necessary to administer the provisions~~ accomplish
31 ~~the purposes~~ of this chapter.

1 Section 56. Section 284.17, Florida Statutes, is
2 amended to read:

3 284.17 Rules ~~and regulations~~.--The Department of
4 Insurance has authority to adopt rules pursuant to ss. 120.54
5 and 120.536(1) to implement the provisions of ~~shall promulgate~~
6 ~~such reasonable rules and regulations as are necessary to aid~~
7 ~~in the implementation of this chapter.~~

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

10 288.709 Powers of the Florida Black Business
11 Investment Board.--The board shall have all the powers
12 necessary or convenient to carry out and effectuate the
13 purposes and provisions of ss. 9-21, chapter 85-104, Laws of
14 Florida, including, but not limited to, the power to:

15 (1) Adopt bylaws for the regulation of its affairs and
16 the conduct of its business and adopt rules pursuant to ss.
17 120.54 and 120.536(1) to implement the provisions of law
18 conferring duties upon it ~~rules pursuant to chapter 120.~~

19 However, any proposed rules affecting the operation or
20 administration or financial well-being of any of the black
21 business investment corporations must first be approved by a
22 majority of the black business investment corporations.

23 Section 58. Subsection (3) of section 292.05, Florida
24 Statutes, is amended to read:

25 292.05 Duties of Department of Veterans' Affairs.--

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

30 Section 59. Paragraph (c) of subsection (1) of section
31 310.151, Florida Statutes, is amended to read:

1 310.151 Rates of pilotage; Pilotage Rate Review
2 Board.--
3 (1)
4 (c) The board has authority to adopt rules pursuant to
5 ss. 120.54 and 120.536(1) to implement provisions of ~~is~~
6 ~~authorized to adopt such rules as are consistent with law and~~
7 ~~necessary to carry out the duties and authority conferred on~~
8 ~~it by this section~~ conferring duties upon it. The department
9 shall provide the staff required by the board to carry out its
10 duties under this section.

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

13 310.185 Rulemaking.--

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

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

19 319.17 Rules; forms; indexes and records.--

20 (1) The department has authority to ~~may~~ ~~adopt such~~
21 rules pursuant to ss. 120.54 and 120.536(1) to implement the
22 provisions of ~~as it deems necessary or proper for the~~
23 ~~administration of this chapter, including rules that allow~~
24 ~~alternative methods of proof of satisfaction of liens.~~

25 Section 62. Section 320.011, Florida Statutes, is
26 amended to read:

27 320.011 Administration and enforcement; rules.--The
28 department shall administer and enforce the provisions of this
29 chapter and has authority to ~~may~~ ~~adopt such~~ rules pursuant to
30 ss. 120.54 and 120.536(1) to implement them ~~as it deems~~
31 ~~necessary or proper for the administration hereof.~~

1 Section 63. Section 320.69, Florida Statutes, is
2 amended to read:

3 320.69 ~~Rules and regulations.~~--The department has
4 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
5 to implement the provisions of ~~may make such rules and~~
6 ~~regulations as it shall deem necessary or proper for the~~
7 ~~effective administration and enforcement of this law.~~

8 Section 64. Section 320.824, Florida Statutes, is
9 amended to read:

10 320.824 ~~Rules and regulations,~~Changes and
11 modifications of standards.--

12 (1) The department ~~may make such rules and regulations~~
13 ~~as it shall deem necessary or proper for the effective~~
14 ~~administration and enforcement of ss. 320.822-320.90 and may~~
15 adopt by rule and promulgate any changes in, or additions to,
16 the standards adopted in s. 320.823 or s. 320.8231, which are
17 approved and officially published by the institute or
18 promulgated by the Department of Housing and Urban Development
19 subsequent to the effective date of this act.

20 (2) The department or its authorized agent may enter
21 any place or establishment where mobile homes are
22 manufactured, sold, or offered for sale, for the purpose of
23 ascertaining whether the requirements of the code and the
24 rules regulations adopted by the department have been met.

25 Section 65. Section 324.042, Florida Statutes, is
26 amended to read:

27 324.042 Administration.--The department shall
28 administer and enforce the provisions of this chapter, and has
29 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
30 to implement them ~~the department may make such rules as may be~~
31 ~~necessary for its administration.~~

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

3 326.003 Administration.--The division shall:

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

7 Section 67. Section 327.04, Florida Statutes, is
8 amended to read:

9 327.04 Rules ~~and regulations~~.--

10 (1) The department has authority to may adopt rules
11 pursuant to ss. 120.54 and 120.536(1), other than rules
12 pertaining to vessel registration or titling, to implement the
13 provisions of ~~which are necessary for carrying out the~~
14 ~~administrative powers and duties conferred on the department~~
15 ~~by this chapter~~ conferring powers or duties upon it.

16 (2) The Department of Highway Safety and Motor
17 Vehicles has authority to may adopt rules pursuant to ss.
18 120.54 and 120.536(1) ~~which pertain~~ pertaining to vessel
19 registration and titling to implement the provisions of
20 ~~necessary for carrying out the administrative duties,~~
21 ~~obligations, and powers conferred on that department by this~~
22 chapter and chapter 328 conferring duties upon it.

23 Section 68. Section 330.29, Florida Statutes, is
24 amended to read:

25 330.29 Administration and enforcement; rules;
26 standards for airport sites and airports.--It is the duty of
27 the department to:

28 (1) Administer and enforce the provisions of this
29 chapter.†

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

1 (3) Adopt ~~such~~ rules pursuant to ss. 120.54 and
2 120.536(1)~~as it deems necessary to implement administer and~~
3 ~~enforce~~ the provisions of this chapter.

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

6 334.044 Department; powers and duties.--The department
7 shall have the following general powers and duties:

8 (2) To adopt rules pursuant to ss. 120.54 and
9 120.536(1) to implement the provisions of law conferring
10 duties upon it,~~procedures, and standards for the conduct of~~
11 ~~its business operations and the implementation of any~~
12 ~~provision of law for which the department is responsible.~~

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

15 339.175 Metropolitan planning organization.--It is the
16 intent of the Legislature to encourage and promote the
17 development of transportation systems embracing various modes
18 of transportation in a manner that will maximize the mobility
19 of people and goods within and through urbanized areas of this
20 state and minimize, to the maximum extent feasible, and
21 together with applicable regulatory government agencies,
22 transportation-related fuel consumption and air pollution. To
23 accomplish these objectives, metropolitan planning
24 organizations, referred to in this section as M.P.O.'s, shall
25 develop, in cooperation with the state, transportation plans
26 and programs for metropolitan areas. Such plans and programs
27 must provide for the development of transportation facilities
28 that will function as an intermodal transportation system for
29 the metropolitan area. The process for developing such plans
30 and programs shall be continuing, cooperative, and

31

1 comprehensive, to the degree appropriate, based on the
2 complexity of the transportation problems.

3 (10) METROPOLITAN PLANNING ORGANIZATION ADVISORY
4 COUNCIL.--

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

7 1. Enter into contracts with individuals, private
8 corporations, and public agencies.

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

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

13 4. Establish bylaws and adopt rules pursuant to ss.

14 120.54 and 120.536(1) to implement provisions of law
15 conferring powers or duties upon it ~~make rules to effectuate~~
16 ~~its powers, responsibilities, and obligations.~~

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

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

25 7. Employ an executive director and such other staff
26 as necessary to perform adequately the functions of the
27 council, within budgetary limitations. The executive director
28 and staff are exempt from part II of chapter 110 and serve at
29 the direction and control of the council. The council is
30 assigned to the Office of the Secretary of the Department of
31 Transportation or for fiscal and accountability purposes, but

1 it shall otherwise function independently of the control and
2 direction of the department.

3 8. Adopt an agency strategic plan that provides the
4 priority directions the agency will take to carry out its
5 mission within the context of the state comprehensive plan and
6 any other statutory mandates and directions given to the
7 agency.

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

10 350.127 Penalties; rules; execution of contracts.--

11 (2) The commission is authorized to adopt, by
12 affirmative vote of a majority of the commission, rules
13 pursuant to ss. 120.54 and 120.536(1) to implement provisions
14 of law conferring duties upon it ~~reasonably necessary to~~
15 ~~implement any law which it administers.~~

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

18 366.05 Powers.--

19 (1) In the exercise of such jurisdiction, the
20 commission shall have power to prescribe fair and reasonable
21 rates and charges, classifications, standards of quality and
22 measurements, and service rules and regulations to be observed
23 by each public utility; to require repairs, improvements,
24 additions, and extensions to the plant and equipment of any
25 public utility when reasonably necessary to promote the
26 convenience and welfare of the public and secure adequate
27 service or facilities for those reasonably entitled thereto;
28 to employ and fix the compensation for such examiners and
29 technical, legal, and clerical employees as it deems necessary
30 to carry out the provisions of this chapter; and to adopt
31 rules pursuant to ss. 120.54 and 120.536(1) to implement and

1 enforce the provisions of ~~prescribe all rules and regulations~~
2 ~~reasonably necessary and appropriate for the administration~~
3 ~~and enforcement of this chapter.~~

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

6 367.121 Powers of commission.--

7 (1) In the exercise of its jurisdiction, the
8 commission shall have power:

9 (a) To prescribe fair and reasonable rates and
10 charges, classifications, standards of quality and
11 measurements, and to prescribe service rules to be observed by
12 each utility, except to the extent such authority is expressly
13 given to another state agency.†

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

18 (c) To require such regular or emergency reports from
19 a utility, including, but not limited to, financial reports,
20 as the commission deems necessary and, if the commission finds
21 a financial report to be incomplete, incorrect, or
22 inconsistent with the uniform system and classification of
23 accounts, to require a new report or a supplemental report,
24 either of which the commission may require to be certified by
25 an independent certified public accountant licensed under
26 chapter 473.†

27 (d) To require repairs, improvements, additions, and
28 extensions to any facility, or to require the construction of
29 a new facility, if reasonably necessary to provide adequate
30 and proper service to any person entitled to service or if
31 reasonably necessary to provide any prescribed quality of

1 service, except that no utility shall be required to extend
2 its service outside the geographic area described in its
3 certificate of authorization, or make additions to its plant
4 or equipment to serve outside such area, unless the commission
5 first finds that the utility is financially able to make such
6 additional investment without impairing its capacity to serve
7 its existing customers.†

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

11 (f) To adopt, by affirmative vote of a majority of the
12 commission, rules pursuant to ss. 120.54 and 120.536(1) to
13 implement and enforce the provisions of ~~reasonably necessary~~
14 ~~and appropriate for the administration and enforcement of this~~
15 chapter.†

16 (g) To exercise all judicial powers, issue all writs,
17 and do all things necessary or convenient to the full and
18 complete exercise of its jurisdiction and the enforcement of
19 its orders and requirements.†

20 (h) To order interconnections of service or facilities
21 between utilities, and to approve any plant capacity charges
22 or wholesale service charges or rates related thereto,
23 provided the commission first finds that the utility is
24 financially able to make such additional investment as is
25 required without impairing its capacity to serve its existing
26 customers.†

27 (i) To require the filing of reports and other data by
28 a public utility or its affiliated companies, including its
29 parent company, regarding transactions or allocations of
30 common costs, among the utility and such affiliated companies.
31 The commission may also require such reports or other data

1 necessary to ensure that a utility's ratepayers do not
2 subsidize nonutility activities.†

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

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

18 Section 74. Section 368.05, Florida Statutes, is
19 amended to read:

20 368.05 Commission jurisdiction, rules ~~and~~
21 ~~regulations~~.--

22 (1) In addition to its existing functions, the Florida
23 Public Service Commission shall have jurisdiction over all
24 persons, corporations, partnerships, associations, public
25 agencies, municipalities, or other legal entities engaged in
26 the operation of gas transmission or distribution facilities
27 with respect to their compliance with the rules and
28 regulations governing safety standards established by the
29 commission pursuant to this law. The jurisdiction conferred
30 upon the commission hereby shall be exclusive of and superior
31 to that of all other boards, agencies, political subdivisions,

1 municipalities, towns, villages, or counties; and in case of
2 conflict therewith all lawful safety acts, orders, and rules,
3 ~~and regulations~~ of the commission shall in each instance
4 prevail.

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

23 (3) The jurisdiction conferred upon the commission by
24 this part does not extend to the distribution of gas beyond
25 the last meter prior to consumption.

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

28 369.20 Florida Aquatic Weed Control Act.--

29 (6) The department shall adopt rules pursuant to ss.
30 120.54 and 120.536(1) to implement provisions of this section
31 conferring powers or duties upon it, ~~amend, or repeal all~~

1 ~~rules as necessary to carry out the duties, obligations, and~~
2 ~~powers set forth in this section~~ and perform any other acts
3 necessary for the proper administration, enforcement, or
4 interpretation of this section, including creating general
5 permits and exemptions and adopting rules and forms governing
6 reports.

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

9 369.22 Nonindigenous aquatic plant control.--

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

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

20 369.251 Invasive nonnative plants; prohibitions;
21 study; removal; rules.--

22 (3) The department has authority to ~~shall~~ adopt rules
23 pursuant to ss. 120.54 and 120.536(1) to implement the
24 provisions of ~~necessary to implement~~ this section. Possession
25 or transportation resulting from natural dispersion, mulching
26 operations, control and disposal, or use in herbaria or other
27 educational or research institutions, or for other reasons
28 determined by the department to be consistent with this
29 section and where there is neither the danger of, nor intent
30 to, further disperse any plant species prohibited by this
31

1 section, is not subject to the permit or penalty provisions of
2 this section.

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

5 370.021 Administration; rules, publications, records;
6 penalty for violation of chapter; injunctions.--

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

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

23 370.092 Carriage of proscribed nets across Florida
24 waters.--

25 (5) The department has authority to adopt rules
26 pursuant to ss. 120.54 and 120.536(1) to implement the
27 provisions of ~~is authorized to make and adopt reasonable~~
28 ~~rules, regulations, and orders, including emergency rules, to~~
29 ~~implement this section. The department shall adopt emergency~~
30 ~~rules to implement the provisions of subparagraph (4)(c)1. by~~
31 ~~August 1, 1996.~~

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

3 370.15 Shrimp; regulation.--

4 (1) GENERAL AUTHORITY; CONSERVATION.--The department
5 has authority to adopt rules pursuant to ss. 120.54 and
6 120.536(1) to implement the provisions of this section. The
7 department shall encourage ~~is authorized and directed to~~
8 ~~adopt, promulgate, and enforce rules and regulations~~
9 ~~consistent with the provisions of this section and the general~~
10 ~~policy of encouraging~~ the production of the maximum sustained
11 yield consistent with the preservation and protection of
12 breeding stock, taking into consideration the recommendations
13 of the various marine laboratories, as well as those of
14 interested and experienced groups of private citizens. ~~Such~~
15 Rules shall and regulations are to control the method, manner,
16 and equipment used in the taking of shrimp or prawn, as well
17 as limiting and defining the areas where taken.

18 Section 81. Section 373.043, Florida Statutes, is
19 amended to read:

20 373.043 Adoption and enforcement of rules regulations
21 by the department.--The department has authority to adopt
22 rules pursuant to ss. 120.54 and 120.536(1) ~~shall adopt,~~
23 ~~promulgate, and enforce such regulations and review procedures~~
24 ~~as may be necessary or convenient to~~ implement administer the
25 provisions of this chapter.

26 Section 82. Section 373.044, Florida Statutes, is
27 amended to read:

28 373.044 ~~Rules and regulations; enforcement;~~
29 ~~availability of personnel rules.--In administering this~~
30 ~~chapter,~~The governing board of the district is authorized to
31 ~~make and~~ adopt rules pursuant to ss. 120.54 and 120.536(1) to

1 implement the provisions of this chapter.~~reasonable rules,~~
2 ~~regulations, and orders which are consistent with law; and~~
3 ~~such~~ Rules, ~~regulations,~~and orders may be enforced by
4 mandatory injunction or other appropriate action in the courts
5 of the state. Rules relating to personnel matters shall be
6 made available to the public and affected persons at no more
7 than cost but need not be published in the Florida
8 Administrative Code or the Florida Administrative Weekly.

9 Section 83. Section 373.113, Florida Statutes, is
10 amended to read:

11 373.113 Adoption of rules ~~regulations~~ by the governing
12 board.--In administering the provisions of this chapter the
13 governing board has authority to adopt rules pursuant to ss.
14 120.54 and 120.536(1) to implement provisions of law
15 conferring powers or duties upon it ~~shall adopt, promulgate,~~
16 ~~and enforce such regulations as may be reasonably necessary to~~
17 ~~effectuate its powers, duties, and functions pursuant to the~~
18 ~~provisions of chapter 120.~~

19 Section 84. Section 373.171, Florida Statutes, is
20 amended to read:

21 373.171 Rules ~~and regulations~~.--

22 (1) In order to obtain the most beneficial use of the
23 water resources of the state and to protect the public health,
24 safety, and welfare and the interests of the water users
25 affected, governing boards, by action not inconsistent with
26 the other provisions of this law and without impairing
27 property rights, may:

28 (a) Adopt ~~Establish~~ rules, ~~regulations,~~or issue
29 orders affecting the use of water, as conditions warrant, and
30 forbidding the construction of new diversion facilities or
31 wells, the initiation of new water uses, or the modification

1 of any existing uses, diversion facilities, or storage
2 facilities within the affected area.

3 (b) Regulate the use of water within the affected area
4 by apportioning, limiting, or rotating uses of water or by
5 preventing those uses which the governing board finds have
6 ceased to be reasonable or beneficial.

7 (c) Issue orders and adopt rules pursuant to ss.
8 120.54 and 120.536(1) to implement the provisions of this
9 chapter ~~Make other rules, regulations, and orders necessary~~
10 ~~for the preservation of the interests of the public and of~~
11 ~~affected water users.~~

12 (2) In adopting ~~promulgating~~ rules ~~and regulations~~ and
13 issuing orders under this law, the governing board shall act
14 with a view to full protection of the existing rights to water
15 in this state insofar as is consistent with the purpose of
16 this law.

17 (3) No rule, ~~regulation~~ or order shall require any
18 modification of existing use or disposition of water in the
19 district unless it is shown that the use or disposition
20 proposed to be modified is detrimental to other water users or
21 to the water resources of the state.

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

26 Section 85. Section 373.337, Florida Statutes, is
27 amended to read:

28 373.337 Rules.--The department shall, ~~by July 1, 1989,~~
29 adopt rules pursuant to ss. 120.54 and 120.536(1) to implement
30 the provisions of this part, providing each water management
31 district and representatives of the water well contracting

1 industry with meaningful opportunity to participate in the
2 development of the rules as they are drafted. The rules shall
3 be adopted by each water management district.

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

6 373.418 Rulemaking; preservation of existing
7 authority.--

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

15 Section 87. Section 376.07, Florida Statutes, is
16 amended to read:

17 376.07 Regulatory powers of department; penalties for
18 inadequate booming by terminal facilities.--~~The department~~
19 ~~shall from time to time adopt, amend, repeal, and enforce~~
20 ~~reasonable rules insofar as they relate to discharges of~~
21 ~~pollutants into the waters of this state or onto the coasts of~~
22 ~~this state.~~

23 (1) The department shall adopt rules pursuant to ss.
24 120.54 and 120.536(1) to implement ss. 376.011-376.21 rules
25 ~~shall be adopted in accordance with the Administrative~~
26 ~~Procedure Act, chapter 120.~~

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

29 (a) Operation and inspection requirements for
30 discharge prevention, abatement, and cleanup capabilities of
31

1 terminal facilities and vessels, and other matters relating to
2 certification under ss. 376.011-376.21.

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

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

8 (d) Development and implementation of criteria and
9 plans to meet pollution occurrences of various degrees and
10 kinds.

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

1 Federal Government but is directed to cooperate with any
2 federal cleanup operation.

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

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

16 1. Any discharges of pollutants the vessel has had
17 since leaving the last port.

18 2. Any mechanical problem on the vessel which creates
19 the possibility of a discharge.

20 3. Any denial of entry into any port during the
21 current cruise of the vessel.

22 (h) Requirements that any terminal facility be subject
23 to a complete and thorough inspection whenever the terminal
24 facility causes or permits the discharge of a pollutant in
25 violation of the provisions of ss. 376.011-376.21, and at
26 other reasonable times. If the department determines there are
27 unsatisfactory preventive measures or containment and cleanup
28 capabilities, it shall, within a reasonable time after notice
29 and hearing in compliance with chapter 120, suspend the
30 registration until such time as there is compliance with the
31 department requirements.

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

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

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

25 (b) Any person cited for an infraction under this
26 section may:

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

1
2 The officer authorized to issue these citations may indicate
3 on the citation the time and location of the scheduled hearing
4 and shall indicate the applicable civil penalty.

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

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

11 1. Pay the civil penalty, either by mail or in person,
12 within 30 days after the date of receiving the citation; or

13 2. If the person has posted bond, forfeit the bond by
14 not appearing at the designated time and location.

15
16 A person cited for an infraction under this section who pays
17 the civil penalty or forfeits the bond has admitted the
18 infraction and waives the right to a hearing on the issue of
19 commission of the infraction. Such admission may not be used
20 as evidence in any other proceedings.

21 (e) Any person who elects to appear before the county
22 court or who is required to appear waives the limitations of
23 the civil penalty specified in paragraph (a). The issue of
24 whether an infraction has been committed and the severity of
25 the infraction shall be determined by a hearing official at a
26 hearing. If the commission of the infraction is proved by the
27 greater weight of the evidence, the court shall impose a civil
28 penalty of \$2,500. If the court determines that the owner or
29 operator of the terminal facility failed to deploy any boom
30 equipment during such a transfer, including, but not limited
31 to, a bunkering operation, the civil penalty shall be \$5,000.

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

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

9 Section 88. Section 377.22, Florida Statutes, is
10 amended to read:

11 377.22 Rules, ~~regulations,~~ and orders.--

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

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

1 shall be for, but shall not be limited to, the following
2 purposes:

3 (a) To require the drilling, casing, and plugging of
4 wells to be done in such a manner as to prevent the pollution
5 of the fresh, salt, or brackish waters or the lands of the
6 state.

7 (b) To prevent the alteration of the sheet flow of
8 water in any area.

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

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

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

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

28 (g) To require and carry out a reasonable program of
29 monitoring or inspection of all drilling operations or
30 producing wells, including regular inspections by division
31 personnel.

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

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

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

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

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

26 (m) To prevent fires.

27 (n) To identify the ownership of all oil or gas wells,
28 producing leases, refineries, tanks, plants, structures, and
29 storage and transportation equipment and facilities.

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

1 (p) To regulate secondary recovery methods, including
2 the introduction of gas, air, water, or other substance into
3 producing formations.

4 (q) To regulate gas cycling operations.

5 (r) If necessary for the prevention of waste, as
6 herein defined, to determine, limit, and prorate the
7 production of oil or gas, or both, from any pool or field in
8 the state.

9 (s) To require, either generally or in or from
10 particular areas, certificates of clearance or tenders in
11 connection with the transportation or delivery of oil or gas,
12 or any product.

13 (t) To regulate the spacing of wells and to establish
14 drilling units.

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

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

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

24 (x) To act in a receivership capacity for fractional
25 mineral interests for which the owners are unknown or
26 unlocated and to administratively designate the operator as
27 the lessee.

28 Section 89. Paragraph (g) of subsection (3) of section
29 377.703, Florida Statutes, is amended to read:

30
31

1 377.703 Additional functions of the Department of
2 Community Affairs; energy emergency contingency plan; federal
3 and state conservation programs.--

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

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

14 Section 90. Paragraph (d) of subsection (1) of section
15 378.205, Florida Statutes, is amended to read:

16 378.205 Administration; powers and duties of the
17 department; agency review responsibility.--

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

20 (d) To adopt ~~those~~ rules pursuant to ss. 120.54 and
21 120.536(1)~~necessary~~ to implement the provisions of ~~administer~~
22 this part.

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

25 378.404 Department of Environmental Protection; powers
26 and duties.--The department shall have the following powers
27 and duties:

28 (1) To adopt rules pursuant to ss. 120.54 and
29 120.536(1)~~procedural rules~~ to implement the provisions of
30 this part.

31

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

3 380.05 Areas of critical state concern.--

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

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

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

17 380.0651 Statewide guidelines and standards.--

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

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

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

29 381.0011 Duties and powers of the Department of
30 Health.--It is the duty of the Department of Health to:

31

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

1 provisions of this chapter, including, at a minimum, rules
2 providing standards to ensure that:

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

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

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

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

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

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

18 395.1055 Rules and enforcement.--

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

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

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

31

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

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

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

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

1 (g) Licensed facility beds conform to minimum space,
2 equipment, and furnishings standards as specified by the
3 department.

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

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

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

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

28 (7) Adopt rules pursuant to ss. 120.54 and 120.536(1)
29 to implement the provisions of, ~~modify, and repeal rules and~~
30 ~~regulations to carry out the intent and purposes of this act.~~
31 Any rule ~~or regulation~~ adopted pursuant to this act shall be

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

27

28 The department shall implement such programs in conjunction
29 with its other powers and duties and shall place special
30 emphasis on reducing and eliminating contamination that

31

1 presents a threat to humans, animals or plants, or to the
2 environment.

3 Section 101. Paragraph (a) of subsection (5) and
4 subsection (10) of section 403.1835, Florida Statutes, are
5 amended to read:

6 403.1835 Sewage treatment facilities revolving loan
7 program.--

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

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

27 ~~(b) The department may adopt rules necessary to~~
28 ~~administer this section.~~

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

31

1 403.504 Department of Environmental Protection; powers
2 and duties enumerated.--The department shall have the
3 following powers and duties in relation to this act:

4 (1) To adopt, ~~promulgate, or amend reasonable~~ rules
5 pursuant to ss. 120.54 and 120.536(1)to implement the
6 provisions of this act, including rules setting forth
7 environmental precautions to be followed in relation to the
8 location and operation of electrical power plants.

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

11 403.523 Department of Environmental Protection; powers
12 and duties.--The department shall have the following powers
13 and duties:

14 (1) To adopt ~~or amend reasonable~~ procedural rules
15 pursuant to ss. 120.54 and 120.536(1)to implement the
16 provisions of this act and to adopt or amend rules to
17 implement the provisions of subsection (10).

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

20 403.704 Powers and duties of the department.--The
21 department shall have responsibility for the implementation
22 and enforcement of the provisions of this act. In addition to
23 other powers and duties, the department shall:

24 (15) ~~Adopt, repeal, or amend~~ rules pursuant to ss.
25 120.54 and 120.536(1)to implement, ~~administer,~~and enforce
26 the provisions of this act, including requirements for the
27 classification, construction, operation, maintenance, and
28 closure of solid waste management facilities and requirements
29 for, and conditions on, solid waste disposal in this state,
30 whether such solid waste is generated within this state or
31 outside this state as long as such requirements and conditions

1 are not based on the out-of-state origin of the waste and are
2 consistent with applicable provisions of law. When classifying
3 solid waste management facilities, the department shall
4 consider the hydrogeology of the site for the facility, the
5 types of wastes to be handled by the facility, and methods
6 used to control the types of waste to be handled by the
7 facility and shall seek to minimize the adverse effects of
8 solid waste management on the environment. Whenever the
9 department adopts any rule stricter or more stringent than one
10 which has been set by the United States Environmental
11 Protection Agency, the procedures set forth in s. 403.804(2)
12 shall be followed. The department shall not, however, adopt
13 hazardous waste rules for solid waste for which special
14 studies were required prior to October 1, 1988, under s. 8002
15 of the Resource Conservation and Recovery Act, 42 U.S.C. s.
16 6982, as amended, until the studies are completed by the
17 United States Environmental Protection Agency and the
18 information is available to the department for consideration
19 in adopting its own rule.

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

22 403.716 Training of operators of solid waste
23 management and other facilities.--

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

1 types of solid waste management facilities due to different
2 operating requirements at such facilities.

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

5 403.805 Secretary; powers and duties.--

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

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

25 403.861 Department; powers and duties.--The department
26 shall have the power and the duty to carry out the provisions
27 and purposes of this act and, for this purpose, to:

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

1 Section 108. Section 403.869, Florida Statutes, is
2 amended to read:

3 403.869 Authority to adopt rules.--The department may
4 adopt rules pursuant to ss. 120.54 and 120.536(1)~~necessary~~ to
5 implement ~~carry out~~ the provisions of ss. 403.865-403.876.

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

8 403.9404 Department of Environmental Protection;
9 powers and duties.--The Department of Environmental Protection
10 shall have the following powers and duties:

11 (1) To adopt ~~or amend reasonable~~ procedural rules
12 pursuant to ss. 120.54 and 120.536(1)to implement the
13 provisions of ss. 403.9401-403.9425 and to adopt ~~or amend~~
14 rules to implement the provisions of subsection (8).

15 Section 110. Section 406.04, Florida Statutes, is
16 amended to read:

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

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

28 408.15 Powers of the agency.--In addition to the
29 powers granted to the agency elsewhere in this chapter, the
30 agency is authorized to:

31

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

4 Section 112. Section 414.45, Florida Statutes, is
5 amended to read:

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

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

21 427.013 The Commission for the Transportation
22 Disadvantaged; purpose and responsibilities.--The purpose of
23 the commission is to accomplish the coordination of
24 transportation services provided to the transportation
25 disadvantaged. The goal of this coordination shall be to
26 assure the cost-effective provision of transportation by
27 qualified community transportation coordinators or
28 transportation operators for the transportation disadvantaged
29 without any bias or presumption in favor of multioperator
30 systems or not-for-profit transportation operators over single
31

1 operator systems or for-profit transportation operators. In
2 carrying out this purpose, the commission shall:

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

6 Section 114. Section 430.08, Florida Statutes, is
7 amended to read:

8 430.08 Rulemaking.--The department shall adopt, ~~amend,~~
9 ~~or rescind such~~ rules pursuant to ss. 120.54 and 120.536(1) to
10 implement as it deems necessary to carry out the provisions of
11 this chapter.

12 Section 115. Section 440.591, Florida Statutes, is
13 amended to read:

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

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

23 443.171 Division and commission; powers and duties;
24 rules; advisory council; records and reports.--

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

26 (a) The division has authority to adopt rules pursuant
27 to ss. 120.54 and 120.536(1) to implement the provisions of
28 ~~shall have the power and authority to adopt, amend, or rescind~~
29 ~~such rules as are necessary for the administration of this~~
30 chapter.
31

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

3 455.203 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 118. Subsection (5) of section 455.521,
9 Florida Statutes, is amended to read:

10 455.521 Department; powers and duties.--The
11 department, for the boards under its jurisdiction, shall:

12 (5) Adopt ~~all~~ rules pursuant to ss. 120.54 and
13 120.536(1)~~necessary~~ to implement the provisions of ~~administer~~
14 this part.

15 Section 119. Section 457.104, Florida Statutes, is
16 amended to read:

17 457.104 Authority to make rules.--The board has
18 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
19 to implement provisions of ~~is authorized to make rules not~~
20 ~~inconsistent with law which are necessary to carry out the~~
21 ~~duties and authority conferred upon the board by this chapter~~
22 conferring duties upon it.

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

25 458.309 Authority to make rules.--

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

1 ~~as may be necessary to protect the health, safety, and welfare~~
2 ~~of the public.~~

3 Section 121. Section 459.005, Florida Statutes, is
4 amended to read:

5 459.005 Authority to make rules.--The board has
6 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
7 to implement the provisions of ~~is authorized to make such~~
8 ~~rules not inconsistent with law as may be necessary to carry~~
9 ~~out the duties and authority conferred upon the board by this~~
10 ~~chapter~~ conferring duties upon it ~~and as may be necessary to~~
11 ~~protect the health, safety, and welfare of the public.~~

12 Section 122. Section 460.405, Florida Statutes, is
13 amended to read:

14 460.405 Authority to make rules.--The Board of
15 Chiropractic has authority to adopt rules pursuant to ss.
16 120.54 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.

20 Section 123. Section 461.005, Florida Statutes, is
21 amended to read:

22 461.005 Authority to make rules.--The Board of
23 Podiatric Medicine has authority to adopt rules pursuant to
24 ss. 120.54 and 120.536(1) to implement the provisions of ~~is~~
25 ~~authorized to make such rules not inconsistent with law as are~~
26 ~~necessary to carry out the duties and authority conferred upon~~
27 ~~the board by this chapter~~ conferring duties upon it ~~and as may~~
28 ~~be necessary to protect the health, safety, and welfare of the~~
29 ~~public.~~

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

1 463.005 Authority of the board.--

2 (1) The Board of Optometry has authority to adopt
3 rules pursuant to ss. 120.54 and 120.536(1) to implement the
4 provisions of ~~is authorized to make such rules not~~
5 ~~inconsistent with law as are necessary to carry out the duties~~
6 ~~and authority conferred upon the board by this chapter~~
7 conferring duties upon it. Such rules shall include, but not
8 be limited to, rules relating to:

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

11 (b) Minimum equipment which a licensed practitioner
12 shall at all times possess to engage in the practice of
13 optometry.

14 (c) Minimum procedures which shall constitute a visual
15 examination.

16 (d) Procedures for the safekeeping and transfer of
17 prescription files or case records upon the discontinuance of
18 practice.

19 (e) Supervision of supportive personnel.

20 (f) Courses and procedures for continuing education.

21 (g) Administration and prescription of topical ocular
22 pharmaceutical agents.

23 Section 125. Section 464.006, Florida Statutes, is
24 amended to read:

25 464.006 Authority to make rules.--The Board of Nursing
26 has authority to adopt rules pursuant to ss. 120.54 and
27 120.536(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

1 Section 126. Section 465.005, Florida Statutes, is
2 amended to read:

3 465.005 Authority to make rules.--The Board of
4 Pharmacy has authority to adopt rules pursuant to ss. 120.54
5 and 120.536(1) to implement the provisions of ~~is authorized to~~
6 ~~make such rules not inconsistent with law as are necessary to~~
7 ~~carry out the duties and authority conferred upon the board by~~
8 this chapter conferring duties upon it.

9 Section 127. Subsection (1) of section 465.022,
10 Florida Statutes, is amended to read:

11 465.022 Pharmacies; general requirements; fees.--

12 (1) The board shall adopt ~~such~~ rules pursuant to ss.
13 120.54 and 120.536(1) to implement the provisions of this
14 chapter relating to pharmacies as are necessary to protect the
15 public health, safety, and welfare. Such rules shall include,
16 but shall not be limited to, rules relating to:

17 (a) General drug safety measures.

18 (b) Minimum standards for the physical facilities of
19 pharmacies.

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

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

23 (e) Procedures for the safe storage and handling of
24 radioactive drugs.

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

27 (g) Procedures for transfer of prescription files and
28 medicinal drugs upon the change of ownership or closing of a
29 pharmacy.

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

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

3 466.004 Board of Dentistry.--

4 (4) The board is authorized to adopt ~~all~~ rules
5 pursuant to ss. 120.54 and 120.536(1)~~necessary~~ to implement
6 ~~carry out~~ the provisions of this chapter and chapter 455,
7 including the establishment of a fee to defray the cost of
8 duplicating any license certification or permit, not to exceed
9 \$10 per duplication.

10 Section 129. Section 466.038, Florida Statutes, is
11 amended to read:

12 466.038 Rules.--The department ~~may~~, upon consultation
13 with the Board of Dentistry and industry representatives of
14 the dental laboratory profession, has authority to adopt rules
15 pursuant to ss. 120.54 and 120.536(1)~~promulgate all rules~~
16 ~~necessary~~ to enforce the provisions of this chapter pertaining
17 to and regulating dental laboratories.

18 Section 130. Section 467.005, Florida Statutes, is
19 amended to read:

20 467.005 Authority to make rules.--The department has
21 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
22 to implement the provisions of ~~is authorized to promulgate~~
23 ~~such rules not inconsistent with law as may be necessary to~~
24 ~~carry out the duties and authority conferred on the department~~
25 ~~by this chapter conferring duties upon it and as may be~~
26 ~~necessary to protect the health, safety, and welfare of the~~
27 ~~public~~. The rules shall include, but not be limited to, the
28 allowable scope of midwifery practice regarding use of
29 equipment, procedures, and medication.

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

1 468.1135 Board of Speech-Language Pathology and
2 Audiology.--

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

9 Section 132. Subsection (1) of section 468.1685,
10 Florida Statutes, is amended to read:

11 468.1685 Powers and duties of board and
12 department.--It is the function and duty of the board,
13 together with the department, to:

14 (1) Adopt rules pursuant to ss. 120.54 and 120.536(1)
15 to implement the provisions of ~~Make such rules not~~
16 ~~inconsistent with law as are necessary to carry out the duties~~
17 ~~and authority conferred upon the board by this part~~ conferring
18 duties upon the board.

19 Section 133. Section 468.204, Florida Statutes, is
20 amended to read:

21 468.204 Authority to adopt rules.--The board has
22 authority to ~~may~~ ~~adopt such rules pursuant to ss. 120.54 and~~
23 120.536(1) to implement the provisions of ~~not inconsistent~~
24 ~~with law as may be necessary to carry out the duties and~~
25 ~~authority conferred upon the board by this part~~ conferring
26 duties upon it and as may be necessary to protect the health,
27 safety, and welfare of the public.

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

30 468.384 Florida Board of Auctioneers.--

31

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

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

9 468.402 Duties of the department; authority to issue
10 and revoke license; adoption of rules.--

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

17 Section 136. Section 468.507, Florida Statutes, is
18 amended to read:

19 468.507 Authority to adopt 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 part and chapter~~
24 455 conferring duties upon it. The powers and duties of the
25 board as set forth in this part shall in no way limit or
26 interfere with the powers and duties of the board as set forth
27 in chapter 458. All powers and duties of the board set forth
28 in this part shall be supplemental and additional powers and
29 duties to those conferred upon the board by chapter 458.

30 Section 137. Section 468.522, Florida Statutes, is
31 amended to read:

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

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

8 468.606 Authority of the board.--The board is
9 authorized to:

10 (1) Adopt rules pursuant to ss. 120.54 and 120.536(1)
11 ~~as necessary to implement~~ carry out the provisions of this
12 part.

13 Section 139. Section 468.705, Florida Statutes, is
14 amended to read:

15 468.705 Rulemaking authority.--The department is
16 authorized to adopt ~~such~~ rules pursuant to ss. 120.54 and
17 120.536(1) to implement provisions of ~~not inconsistent with~~
18 ~~law as may be necessary to carry out the duties and authority~~
19 ~~conferred on the department by this part~~ conferring duties
20 upon it and ~~as may be necessary to protect the health, safety,~~
21 ~~and welfare of the public.~~ Such rules shall include, but not
22 be limited to, the allowable scope of practice regarding the
23 use of equipment, procedures, and medication.

24 Section 140. Section 468.802, Florida Statutes, is
25 amended to read:

26 468.802 Authority to adopt rules.--The board shall
27 adopt rules pursuant to ss. 120.54 and 120.536(1) to implement
28 the provisions of ~~administer~~ this act, including rules
29 relating to standards of practice for orthotists,
30 prosthetists, and pedorthists.

31

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

3 470.005 Rulemaking authority of board and
4 department.--

5 (1) The board has authority to adopt rules pursuant to
6 ss. 120.54 and 120.536(1) to implement the provisions of is
7 ~~authorized to adopt rules not inconsistent with law as may be~~
8 ~~necessary to carry out the duties and authority conferred upon~~
9 ~~the board by this chapter conferring duties upon it and as may~~
10 ~~be necessary to protect the health, safety, and welfare of the~~
11 ~~public.~~ The department has authority to adopt rules pursuant
12 to ss. 120.54 and 120.536(1) to implement the provisions of is
13 ~~authorized to adopt rules not inconsistent with law as may be~~
14 ~~necessary to carry out the duties and authority conferred upon~~
15 ~~the department by this chapter conferring duties upon it and~~
16 ~~as may be necessary to protect the health, safety, and welfare~~
17 ~~of the public.~~

18 Section 142. Section 471.008, Florida Statutes, is
19 amended to read:

20 471.008 Rules of the board.--The board has authority
21 to may adopt such rules pursuant to ss. 120.54 and 120.536(1)
22 to implement provisions of not inconsistent with law as may be
23 ~~necessary to carry out the duties and authority conferred upon~~
24 ~~the board by this chapter or chapter 455 conferring duties~~
25 ~~upon it.~~

26 Section 143. Section 472.008, Florida Statutes, is
27 amended to read:

28 472.008 Rules of the board.--The board has authority
29 to adopt rules pursuant to ss. 120.54 and 120.536(1) to
30 implement the provisions of shall adopt such rules not
31 ~~inconsistent with law as may be necessary to carry out the~~

1 ~~duties and authority conferred upon the board by this chapter~~
2 conferring duties upon it.

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

5 473.304 Rules of board; powers and duties; legal
6 services.--

7 (1) The board shall adopt ~~all~~ rules pursuant to ss.
8 120.54 and 120.536(1) ~~necessary~~ to implement the provisions of
9 ~~administer~~ this act. Every licensee shall be governed and
10 controlled by this act and the rules adopted by the board.

11 Section 145. Section 474.206, Florida Statutes, is
12 amended to read:

13 474.206 Authority to make rules.--The board has
14 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
15 to implement the provisions of ~~is authorized to make such~~
16 ~~rules not inconsistent with law as may be necessary to carry~~
17 ~~out the duties and authority conferred upon the board by this~~
18 ~~chapter~~ conferring duties upon it ~~and as may be necessary to~~
19 ~~protect the health, safety, and welfare of the public.~~

20 Section 146. Section 475.05, Florida Statutes, is
21 amended to read:

22 475.05 Power of commission to enact bylaws and ~~rules,~~
23 ~~and regulations~~ and decide questions of practice.--The
24 commission may enact bylaws ~~and regulations~~ for its own
25 government and adopt rules pursuant to ss. 120.54 and
26 120.536(1) to implement the provisions of law conferring
27 powers or duties upon it ~~rules in the exercise of its powers,~~
28 ~~not in conflict with the constitution and laws of the United~~
29 ~~States or of this state, and amend the same at its pleasure.~~
30 The commission may decide questions of practice arising in the
31 proceedings before it, having regard to this chapter and the

1 rules then in force. Printed copies of rules, or written
2 copies under the seal of the commission, shall be prima facie
3 evidence of their existence and substance, and the courts
4 shall judicially notice such rules. ~~The conferral or~~
5 ~~enumeration of specific powers elsewhere in this chapter shall~~
6 ~~not be construed as a limitation of the general powers~~
7 ~~conferred by this section.~~

8 Section 147. Section 475.614, Florida Statutes, is
9 amended to read:

10 475.614 Power of board to adopt enact rules and decide
11 questions of practice.--The board has authority to adopt rules
12 pursuant to ss. 120.54 and 120.536(1) to implement provisions
13 of law conferring duties upon it ~~may enact rules for its own~~
14 ~~government and rules in the exercise of its powers, not in~~
15 ~~conflict with the constitutions and laws of the United States~~
16 ~~and this state, and may amend such rules at its pleasure. The~~
17 board may decide questions of practice arising in the
18 proceedings before it, having regard to this section and the
19 rules then in force.

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

22 476.064 Organization; headquarters; personnel;
23 meetings.--

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

28 Section 149. Section 477.016, Florida Statutes, is
29 amended to read:

30 477.016 Rulemaking.--The board has authority to adopt
31 rules pursuant to ss. 120.54 and 120.536(1) to implement the

1 provisions of is authorized to adopt such rules not
2 inconsistent with law as may be necessary to carry out the
3 duties and authority conferred upon the board by this chapter
4 conferring duties upon it.

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

7 478.43 Board of Medicine; powers and duties.--

8 (1) The board, with the assistance of the Electrolysis
9 Council, is authorized to establish minimum standards for the
10 delivery of electrolysis services and to adopt rules pursuant
11 to ss. 120.54 and 120.536(1) necessary to implement administer
12 the provisions of this chapter.

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

15 480.035 Board of Massage Therapy.--

16 (7) The board has authority to adopt rules pursuant to
17 ss. 120.54 and 120.536(1) to implement the provisions of shall
18 promulgate such rules as are necessary to implement this
19 chapter.

20 Section 152. Section 481.2055, Florida Statutes, is
21 amended to read:

22 481.2055 Authority to make rules.--The board has
23 authority to may adopt such rules pursuant to ss. 120.54 and
24 120.536(1) to implement provisions of, not inconsistent with
25 law, as may be necessary to carry out the duties and authority
26 conferred upon the board by this part and chapter 455
27 conferring duties upon it.

28 Section 153. Section 481.306, Florida Statutes, is
29 amended to read:

30 481.306 Authority to make rules.--The board has
31 authority to may adopt such rules pursuant to ss. 120.54 and

1 120.536(1) to implement the provisions of, ~~not inconsistent~~
2 ~~with law, as may be necessary to carry out the duties and~~
3 ~~authority conferred upon the board by this chapter and chapter~~
4 455 conferring duties upon it.

5 Section 154. Section 482.051, Florida Statutes, is
6 amended to read:

7 482.051 Rules.--The department has authority to ~~shall~~
8 adopt rules pursuant to ss. 120.54 and 120.536(1) to implement
9 the provisions of ~~to carry out the intent and purpose of this~~
10 chapter. Prior to proposing the adoption of a rule, the
11 department shall counsel with members of the pest control
12 industry concerning the proposed rule. The department shall
13 adopt rules for the protection of the health, safety, and
14 welfare of pest control employees and the general public, ~~in~~
15 ~~conformity with this chapter and chapter 120,~~ which require:

16 (1) That all pesticides or economic poisons be used
17 only in accordance with the registered labels and labeling or
18 as directed by the United States Environmental Protection
19 Agency or the department.

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

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

28 (4) That a licensee, before performing general
29 fumigation, notify in writing the department inspector having
30 jurisdiction over the location where the fumigation is to be
31 performed, which notice must be received by the department

1 inspector at least 24 hours in advance of the fumigation and
2 must contain such information as the department requires.
3 However, in an authentic and verifiable emergency, when 24
4 hours' advance notification is not possible, advance telephone
5 or telegraph notice may be given; but such notice must be
6 immediately followed by written confirmation providing the
7 required information.

8 (5) That any pesticide used for preconstruction soil
9 treatments for the prevention of subterranean termites be
10 applied in the amount, concentration, and treatment area in
11 accordance with the label; that a copy of the label of the
12 registered pesticide being applied be carried in a vehicle at
13 the site where the pesticide is being applied; and that the
14 licensee maintain for 3 years the record of each
15 preconstruction soil treatment, indicating the date of
16 treatment, the location or address of the property treated,
17 the total square footage of the structure treated, the type of
18 pesticide applied, the concentration of each substance in the
19 mixture applied, and the total amount of pesticide applied.

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

22 483.805 Board of Clinical Laboratory Personnel.--

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

29 Section 156. Section 484.005, Florida Statutes, is
30 amended to read:

31

1 484.005 Authority to make rules.--The board has
2 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
3 to implement the provisions of ~~is authorized to make such~~
4 ~~rules not inconsistent with law as may be necessary to carry~~
5 ~~out the duties and authority conferred upon it by this part~~
6 conferring duties upon it ~~and as may be necessary to protect~~
7 ~~the health, safety, and welfare of the public.~~ Such rules
8 shall include, but not be limited to, rules relating to:

9 (1) A standard of practice for opticians licensed
10 pursuant to this part.

11 (2) Minimum equipment which shall be utilized to
12 prepare, fit, measure, and dispense lenses, spectacles,
13 eyeglasses, contact lenses, and other optical devices allowed
14 under the practice of opticianry.

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

18 (4) A standard of practice for filling prescriptions
19 for contact lenses and fitting, adapting, and dispensing
20 contact lenses.

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

23 484.044 Authority to make rules.--

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

29 Section 158. Section 486.025, Florida Statutes, is
30 amended to read:

31

1 486.025 Powers and duties of the Board of Physical
2 Therapy Practice.--The board may administer oaths, summon
3 witnesses, take testimony in all matters relating to its
4 duties under this chapter, establish or modify minimum
5 standards of practice, and adopt ~~or amend~~ rules pursuant to
6 ss. 120.54 and 120.536(1)~~necessary to implement the~~
7 provisions of ~~administer~~ this chapter. The board may also
8 review the standing and reputability of any school or college
9 offering courses in physical therapy and whether the courses
10 of such school or college in physical therapy meet the
11 standards established by the appropriate accrediting agency
12 referred to in s. 486.031(3)(a). In determining the standing
13 and reputability of any such school and whether the school and
14 courses meet such standards, the board may investigate and
15 make personal inspection of the same.

16 Section 159. Section 488.02, Florida Statutes, is
17 amended to read:

18 488.02 Rules and regulations.--The Department of
19 Highway Safety and Motor Vehicles has authority to adopt rules
20 pursuant to ss. 120.54 and 120.536(1)~~is authorized to adopt~~
21 ~~rules and regulations necessary~~ to implement the provisions of
22 this chapter.

23 Section 160. Section 489.108, Florida Statutes, is
24 amended to read:

25 489.108 Rulemaking authority of the board.--The board
26 has authority to adopt rules pursuant to ss. 120.54 and
27 120.536(1) to implement the provisions of ~~is authorized to~~
28 ~~make such rules not inconsistent with law which are necessary~~
29 ~~to carry out the duties and authority conferred upon it by~~
30 this chapter conferring duties upon it.

31

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

3 489.507 Electrical Contractors' Licensing Board.--

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

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

10 490.004 Board of Psychology.--

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

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

15 491.004 Board of Clinical Social Work, Marriage and
16 Family Therapy, and Mental Health Counseling.--

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

20 Section 164. Section 492.104, Florida Statutes, is
21 amended to read:

22 492.104 Authority to make rules.--The Board of
23 Professional Geologists has authority to adopt rules pursuant
24 to ss. 120.54 and 120.536(1) to implement ~~is authorized to~~
25 ~~make such rules not inconsistent with law as may be necessary~~
26 ~~to carry out the duties and authority conferred upon the board~~
27 ~~by~~ ss. 492.101-492.1165. Every licensee shall be governed and
28 controlled by ss. 492.101-492.1165 and the rules adopted by
29 the board. The board is authorized to set, by rule, fees for
30 application, examination, certificate of authorization, late
31 renewal, initial licensure, and license renewal. These fees

1 should not exceed the cost of implementing the application,
2 examination, initial licensure, and license renewal or other
3 administrative process.

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

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

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

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

11 (5) The fee for a certificate of authorization shall
12 not exceed \$350 and the fee for renewal of the certificate
13 shall not exceed \$350.

14 (6) The fee for reactivation of an inactive license
15 shall not exceed \$50.

16 (7) The fee for a provisional license shall not exceed
17 \$400.

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

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

23 494.0011 Powers and duties of the department.--

24 (2) The department has authority to ~~may~~ adopt rules
25 pursuant to ss. 120.54 and 120.536(1) to implement and perform
26 ~~other acts necessary for the proper administration,~~
27 ~~enforcement, and interpretation of ss. 494.001-494.0077.~~

28 Section 166. Section 496.424, Florida Statutes, is
29 amended to read:

30 496.424 Rulemaking authority.--The department has the
31 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)

1 ~~chapter 120~~ to implement the provisions of ss. 496.401-496.424
2 or s. 496.426.

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

5 497.103 Rulemaking authority of board and
6 department.--

7 (1) The board has authority to adopt rules pursuant to
8 ss. 120.54 and 120.536(1) to implement provisions of is
9 ~~authorized to adopt rules not inconsistent with law as may be~~
10 ~~necessary to carry out the duties and authority conferred upon~~
11 ~~the board by this chapter~~ conferring duties upon it ~~and as may~~
12 ~~be necessary to protect the health, safety, and welfare of the~~
13 ~~public.~~ The department may adopt rules pursuant to ss. 120.54
14 and 120.536(1) to administer provisions of is ~~authorized to~~
15 ~~adopt rules not inconsistent with law as may be necessary to~~
16 ~~carry out the duties and authority conferred upon the~~
17 ~~department by this chapter~~ conferring duties upon it ~~and as~~
18 ~~may be necessary to protect the health, safety, and welfare of~~
19 ~~the public.~~

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

22 497.105 Department of Banking and Finance; powers and
23 duties.--The Department of Banking and Finance shall:

24 (5) Adopt ~~all~~ rules pursuant to ss. 120.54 and
25 120.536(1) ~~necessary to implement the provisions of~~ administer
26 ~~the department's duties under this chapter~~ conferring duties
27 upon it.

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

30 498.007 General powers and duties.--

31

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

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

7 500.459 Water vending machines.--

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

9 (a) The department has authority to ~~may adopt such~~
10 ~~additional~~ rules pursuant to ss. 120.54 and 120.536(1) to
11 implement the provisions of ~~not inconsistent with law as may~~
12 ~~be necessary to carry out the duties and authority conferred~~
13 ~~on the department by this section~~ conferring duties upon it ~~or~~
14 ~~as may be necessary to protect the health, safety, and welfare~~
15 ~~of the public.~~

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

18 501.014 Health studios; powers and duties of the
19 department.--

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

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

25 501.143 Dance Studio Act.--

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

29 Section 173. Section 501.626, Florida Statutes, is
30 amended to read:

31

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

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

6 502.014 Powers and duties.--

7 (7) The department has authority to ~~may~~ adopt rules
8 pursuant to ss. 120.54 and 120.536(1) to implement and enforce
9 the provisions ~~as necessary for the implementation and~~
10 ~~enforcement~~ of this chapter. In adopting these rules, the
11 department shall be guided by and may conform to the
12 definitions and standards of the administrative procedures and
13 provisions of the pasteurized milk ordinance. The rules shall
14 include, but are not limited to:

15 (a) Standards for milk and milk products.

16 (b) Provisions for the production, transportation,
17 processing, handling, sampling, examination, grading,
18 labeling, and sale of all milk and milk products and imitation
19 and substitute milk and milk products sold for public
20 consumption in this state.

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

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

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

27 503.031 Powers of department.--The department may:

28 (1) Adopt rules pursuant to ss. 120.54 and 120.536(1)
29 ~~necessary~~ to implement ~~administer~~ and enforce the provisions
30 of this chapter. The rules must, to the extent possible,
31 conform to applicable federal requirements.

1 Section 176. Section 504.32, Florida Statutes, is
2 amended to read:

3 504.32 Rulemaking authority.--The department has
4 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
5 ~~is authorized to prescribe and adopt all reasonable rules~~
6 ~~which are needed to implement, make specific, and interpret~~
7 the provisions of this part in a manner consistent with rules
8 ~~those~~ of nationally recognized organic grower groups, such as
9 the Organic Food Producers Association of North America, ~~after~~
10 ~~such notice as may be required by chapter 120.~~

11 Section 177. Section 516.22, Florida Statutes, is
12 amended to read:

13 516.22 Rules ~~Regulations~~; certified copies.--

14 (1) RULES ~~REGULATIONS~~.--The department has authority
15 to adopt rules pursuant to ss. 120.54 and 120.536(1) to
16 implement the provisions of law conferring duties upon it
17 ~~shall have the power and authority to issue regulations.~~

18 (2) CERTIFIED COPIES OF OFFICIAL DOCUMENTS.--On
19 application of any person and payment of the costs thereof, at
20 the same rate and fees as allowed clerks of the circuit court
21 by statute, the department shall furnish a certified copy of
22 any license, regulation, or order. In any court or
23 proceeding, such copy shall be prima facie evidence of the
24 fact of the issuance of such license, regulation, or order.

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

27 516.23 Subpoenas; enforcement actions; rules.--

28 (3) The department has authority to ~~may~~ adopt rules
29 pursuant to ss. 120.54 and 120.536(1) to implement the
30 provisions ~~and perform such other acts as are necessary for~~

31

1 ~~the proper administration, enforcement, and interpretation of~~
2 this chapter.

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

5 517.03 Power of department to make rules.--

6 (1) The Department of Banking and Finance shall
7 administer and provide for the enforcement of all the
8 provisions of this chapter. The department has authority to
9 adopt rules pursuant to ss. 120.54 and 120.536(1) to implement
10 the provisions of ~~shall make, adopt, promulgate, amend, and~~
11 ~~repeal all rules necessary or convenient for the carrying out~~
12 ~~of the duties, obligations, and powers conferred on said~~
13 ~~department and perform any other acts necessary or convenient~~
14 ~~for the proper administration, enforcement, or interpretation~~
15 ~~of this chapter~~ conferring powers or duties upon it,
16 including, without limitation, adopting rules and forms
17 governing reports. The department shall also have the
18 nonexclusive power to define by rule any term, whether or not
19 used in this chapter, insofar as the definition is not
20 inconsistent with the provisions of this chapter.

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

23 520.994 Powers of department.--

24 (5) The department shall administer and enforce this
25 chapter. ~~The department~~ has authority to ~~may~~ adopt rules
26 pursuant to ss. 120.54 and 120.536(1) to implement the
27 provisions ~~and perform such other acts as are necessary or~~
28 ~~convenient for the proper administration, enforcement, and~~
29 ~~interpretation of this chapter.~~

30 Section 181. Section 526.09, Florida Statutes, is
31 amended to read:

1 526.09 Department to enforce law; rules ~~and~~
2 ~~regulations.~~--The Department of Agriculture and Consumer
3 Services shall enforce the provisions of this chapter. The
4 department has authority to adopt rules pursuant to ss. 120.54
5 and 120.536(1) to implement ~~is authorized to adopt,~~
6 ~~promulgate, and enforce such rules and regulations not~~
7 ~~inconsistent with the provisions of this chapter as in its~~
8 ~~judgment may be necessary to the proper enforcement of this~~
9 ~~chapter.~~

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

12 531.41 Powers and duties of the department.--The
13 department shall:

14 (3) Adopt ~~reasonable~~ rules pursuant to ss. 120.54 and
15 120.536(1) ~~to implement, interpret, or make specific the~~
16 ~~provisions of this chapter, which rules shall have the force~~
17 ~~and effect of law.~~

18
19 The provisions of this chapter and rules adopted thereunder
20 notwithstanding, scales routinely used by providers of weight
21 control services shall not be considered commercial weights
22 and measures when used to determine human weight or to compute
23 charges or payments for services rendered by such providers on
24 the basis of said weight, measure, or count.

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

27 548.003 State Athletic Commission.--

28 (2) The State Athletic Commission, as created by
29 subsection (1), shall administer the provisions of this
30 chapter. The commission has authority to ~~may~~ adopt rules

31

1 pursuant to ss. 120.54 and 120.536(1)to implement the
2 provisions of this chapter.

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

5 553.76 General powers of the board.--The board is
6 authorized to:

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

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

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

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

18 560.105 Supervisory powers of the department;
19 rulemaking.--Consistent with the purposes of the code, the
20 department shall have:

21 (3) Power to issue ~~and publish rules, orders, and~~
22 declaratory statements, disseminate information, and otherwise
23 exercise its discretion to effectuate the purposes, policies,
24 and provisions of the code and to adopt rules pursuant to ss.
25 120.54 and 120.536(1) to interpret and implement the
26 provisions of the code.

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

29 561.11 Power and authority of division.--

30 (1) The division has authority to adopt rules pursuant
31 to ss. 120.54 and 120.536(1) to implement the provisions ~~shall~~

1 ~~have full power and authority to make, adopt, amend, or repeal~~
2 ~~rules, regulations, or administrative orders to carry out the~~
3 ~~purposes of the Beverage Law. All such rules, regulations, or~~
4 ~~orders adopted in accordance with chapter 120 shall have the~~
5 ~~full force and effect of law.~~

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

8 570.07 Department of Agriculture and Consumer
9 Services; functions, powers, and duties.--The department shall
10 have and exercise the following functions, powers, and duties:

11 (23) To adopt rules pursuant to ss. 120.54 and
12 120.536(1) to implement provisions of law conferring duties
13 ~~upon it enact, amend, and repeal administrative rules as~~
14 ~~necessary.~~

15 Section 188. Section 571.05, Florida Statutes, is
16 amended to read:

17 571.05 Rules.--The department by rule may design,
18 determine, and adopt seals of quality for use in publicizing,
19 advertising, and promoting agricultural products; prescribe
20 minimum standards of quality and grade of agricultural
21 products with which a seal of quality may be used; name and
22 define market packages of agricultural products; fix a
23 reasonable and equitable advertising and promotion fee for
24 such market package of agricultural products; and otherwise
25 adopt rules pursuant to ss. 120.54 and 120.536(1) to
26 ~~interpret, implement, and make specific~~ the provisions of this
27 part.

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

30 571.24 Purpose; duties of the division.--The purpose
31 of this part is to authorize the division to establish and

1 coordinate the Florida Agricultural Promotional Campaign. The
2 duties of the division shall include, but are not limited to:

3 (9) Adopting rules pursuant to ss. 120.54 and
4 120.536(1)~~Promulgating rules necessary~~ to implement the
5 provisions of this part.

6 Section 190. Section 574.14, Florida Statutes, is
7 amended to read:

8 574.14 Rules.--The Department of Agriculture and
9 Consumer Services may adopt rules pursuant to ss. 120.54 and
10 120.536(1)~~to implement, make specific, or interpret~~ the
11 provisions of this chapter.

12 Section 191. Section 578.11, Florida Statutes, is
13 amended to read:

14 578.11 Duties, authority, and rules ~~and regulations~~ of
15 the department.--

16 (1) The duty of administering this law and enforcing
17 its provisions and requirements shall be vested in the
18 Department of Agriculture and Consumer Services, which is
19 hereby authorized to employ such agents and persons as in its
20 judgment shall be necessary therefor. It shall be the duty of
21 the department, which may act through its authorized agents,
22 to sample, inspect, make analyses of, and test agricultural,
23 vegetable, flower, or forest tree seed transported, sold,
24 offered or exposed for sale, or distributed within this state
25 for sowing or planting purposes, at such time and place and to
26 such extent as it may deem necessary to determine whether said
27 agricultural, vegetable, flower or forest tree seed are in
28 compliance with the provisions of this law, and to notify
29 promptly the person who transported, distributed, sold,
30 offered or exposed the seed for sale, of any violation.

31 (2) The department is authorized:

1 (a) To enforce this act and prescribe ~~and adopt~~
2 ~~reasonable rules, which shall have the full force and effect~~
3 ~~of law, for the enforcement of this act, governing~~ the methods
4 of sampling, inspecting, testing, and examining agricultural,
5 vegetable, flower, or forest tree seed. ~~The department shall,~~
6 ~~on a one-time basis after the effective date of this act,~~
7 ~~notify those previously receiving personal notice of such~~
8 ~~rules that they will no longer be receiving such notice.~~

9 (b) To establish standards and tolerances to be
10 followed in the administration of this law, which shall be in
11 general accord with officially prescribed practices in
12 interstate commerce.

13 (c) To prescribe uniform labels.

14 (d) To adopt prohibited and restricted noxious weed
15 seed lists.

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

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

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

23 (h) To analyze samples, as requested by a consumer.
24 The department shall establish, by rule, a fee schedule for
25 analyzing samples at the request of a consumer. The fees
26 shall be sufficient to cover the costs to the department for
27 taking the samples and performing the analysis, not to exceed
28 \$150 per sample.

29 (i) To adopt rules pursuant to ss. 120.54 and
30 120.536(1) to implement the provisions of ~~prescribe such other~~

31

1 ~~rules as may be necessary to secure the efficient enforcement~~
2 ~~of this act.~~

3 (3) For the purpose of carrying out the provisions of
4 this law, the department, through its authorized agents, is
5 authorized:

6 (a) To enter upon any public or private premises,
7 where agricultural, vegetable, flower, or forest tree seed is
8 sold, offered, exposed, or distributed for sale during regular
9 business hours, in order to have access to seed subject to
10 this law and the rules and regulations hereunder.

11 (b) To issue and enforce a stop-sale notice or order
12 to the owner or custodian of any lot of agricultural,
13 vegetable, flower, or forest tree seed, which the department
14 finds or has good reason to believe is in violation of any
15 provisions of this law, which shall prohibit further sale,
16 barter, exchange, or distribution of such seed until the
17 department is satisfied that the law has been complied with
18 and has issued a written release or notice to the owner or
19 custodian of such seed. After a stop-sale notice or order has
20 been issued against or attached to any lot of seed and the
21 owner or custodian of such seed has received confirmation that
22 the seed does not comply with this law, she or he shall have
23 15 days beyond the normal test period within which to comply
24 with the law and obtain a written release of the seed. The
25 provisions of this paragraph shall not be construed as
26 limiting the right of the department to proceed as authorized
27 by other sections of this law.

28 (c) To establish and maintain a seed laboratory,
29 employ seed analysts and other personnel, and incur such other
30 expenses as may be necessary to comply with these provisions.

31

1 Section 192. Subsection (2) of section 580.036,
2 Florida Statutes, is amended to read:

3 580.036 Powers and duties.--

4 (2) The department is authorized to adopt rules
5 pursuant to ss. 120.54 and 120.536(1) to enforce the
6 provisions ~~as necessary for the enforcement~~ of this chapter.
7 These rules shall be consistent with the rules and standards
8 of the United States Food and Drug Administration and the
9 United States Department of Agriculture, when applicable, and
10 shall include:

11 (a) Establishing definitions and reasonable standards
12 for commercial feed or feedstuff and permissible tolerances
13 for pesticide chemicals, chemical additives, nonnutritive
14 ingredients, or drugs in or on commercial feed or feedstuff in
15 such amounts as will ensure the safety of livestock and
16 poultry and the products thereof used for human consumption.

17 (b) Adopting standards for the manufacture and
18 distribution of medicated feed.

19 (c) Establishing definitions and reasonable standards
20 for the certification of laboratories for the conduct of
21 testing and analyses as required in this chapter.

22 (d) Establishing product labeling requirements for
23 distributors.

24 (e) Limiting the use of drugs in commercial feed and
25 prescribing feeding directions to be used to ensure safe usage
26 of medicated feed.

27 (f) Establishing standards for evaluating
28 quality-assurance/quality-control plans, including testing
29 protocols, for exemptions to certified laboratory testing
30 requirements.

31

1 Section 193. Section 583.04, Florida Statutes, is
2 amended to read:

3 583.04 Promulgation of rules.--The department has
4 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
5 to implement ~~may make and promulgate such rules as may be~~
6 ~~necessary to carry out~~ the provisions of this chapter.

7 Section 194. Subsection (4) of section 585.002,
8 Florida Statutes, is amended to read:

9 585.002 Department control; continuance of powers,
10 duties, rules, orders, etc.--

11 (4) The department shall adopt rules pursuant to ss.
12 120.54 and 120.536(1) to implement ~~promulgate rules to carry~~
13 ~~out~~ the provisions of this chapter.

14 Section 195. Subsection (2) of section 593.103,
15 Florida Statutes, is amended to read:

16 593.103 Powers and duties of department.--The
17 department has the power and duty to:

18 (2) Adopt rules pursuant to ss. 120.54 and 120.536(1)
19 to implement the provisions ~~Promulgate rules necessary to the~~
20 ~~enforcement~~ of ss. 593.101-593.117.

21 Section 196. Section 616.165, Florida Statutes, is
22 amended to read:

23 616.165 Rules.--The department shall adopt ~~all~~ rules
24 pursuant to ss. 120.54 and 120.536(1) ~~necessary~~ to implement
25 ~~carry out~~ the provisions of this chapter.

26 Section 197. Paragraph (j) of subsection (1) of
27 section 616.256, Florida Statutes, is amended to read:

28 616.256 Powers of authority.--

29 (1) The authority shall have power to:

30 (j) Adopt rules pursuant to ss. 120.54 and 120.536(1)
31 to implement provisions of law conferring duties upon it ~~7~~

1 ~~pursuant to chapter 120, rules necessary to carry out its~~
2 ~~duties and responsibilities.~~

3 Section 198. Subsection (4) of section 617.01301,
4 Florida Statutes, is amended to read:

5 617.01301 Powers of Department of State.--

6 (4) The Department of State shall have the power and
7 authority reasonably necessary to enable it to administer this
8 act efficiently, to perform the duties herein imposed upon it,
9 and to adopt ~~reasonable~~ rules pursuant to ss. 120.54 and
10 120.536(1) to implement the provisions of necessary to carry
11 out its duties and functions under this act conferring duties
12 upon it.

13 Section 199. Subsection (4) of section 620.1835,
14 Florida Statutes, is amended to read:

15 620.1835 Powers of Department of State;
16 interrogatories.--

17 (4) The Department of State shall have the power and
18 authority reasonably necessary to enable it to administer this
19 act efficiently, to perform the duties herein imposed upon it,
20 and to adopt rules pursuant to ss. 120.54 and 120.536(1) to
21 implement the provisions of reasonable rules necessary to
22 carry out its duties and functions under this act conferring
23 duties upon it.

24 Section 200. Subsection (2) of section 620.81055,
25 Florida Statutes, is amended to read:

26 620.81055 Fees for filing documents and issuing
27 certificates; powers of the Department of State.--

28 (2) The Department of State has the power and
29 authority reasonably necessary to enable it to administer this
30 act efficiently, to perform the duties imposed upon it by this
31 act, and to adopt ~~reasonable~~ rules pursuant to ss. 120.54 and

1 120.536(1) to implement the provisions of necessary to carry
2 ~~out its duties and functions under this act~~ conferring duties
3 upon it.

4 Section 201. Subsection (1) of section 624.308,
5 Florida Statutes, is amended to read:

6 624.308 Rules.--

7 (1) The department has authority to ~~may~~ adopt
8 ~~reasonable~~ rules pursuant to ss. 120.54 and 120.536(1) to
9 implement provisions of law conferring duties upon it
10 ~~necessary to effect any of the statutory duties of the~~
11 ~~department. Such rules shall not extend, modify, or conflict~~
12 ~~with any law of this state or the reasonable implications of~~
13 ~~such laws.~~

14 Section 202. Section 624.4431, Florida Statutes, is
15 amended to read:

16 624.4431 Administration; rules.--The administration of
17 ss. 624.436-624.446 is vested in the department. The
18 department has authority to ~~may~~ adopt ~~reasonable~~ rules
19 pursuant to ss. 120.54 and 120.536(1) to implement the
20 provisions of ss. 624.436-624.446.

21 Section 203. Subsection (1) of section 626.943,
22 Florida Statutes, is amended to read:

23 626.943 Powers and duties of the department.--It is
24 the function of the department to:

25 (1) Adopt rules pursuant to ss. 120.54 and 120.536(1)
26 to implement the provisions of ~~Promulgate rules necessary to~~
27 ~~carry out the duties conferred upon it under this part~~
28 conferring duties upon it to protect the public health,
29 ~~safety, and welfare.~~

30 Section 204. Section 627.805, Florida Statutes, is
31 amended to read:

1 627.805 Departmental regulation of variable and
2 indeterminate value contracts; rules.--The department,
3 notwithstanding any other provision of law, shall have the
4 sole authority to regulate the issuance and sale of variable
5 and indeterminate value contracts and has authority to adopt
6 rules pursuant to ss. 120.54 and 120.536(1) to implement the
7 ~~to issue such reasonable rules as may be necessary to carry~~
8 ~~out the purposes and~~ provisions of this part.

9 Section 205. Section 627.9408, Florida Statutes, is
10 amended to read:

11 627.9408 Rules.--The department has authority to ~~may~~
12 ~~adopt such rules pursuant to ss. 120.54 and 120.536(1) to~~
13 implement as are necessary and proper in furtherance of the
14 provisions of this part.

15 Section 206. Section 628.535, Florida Statutes, is
16 amended to read:

17 628.535 Authority to promulgate rules.--The department
18 has authority to adopt rules pursuant to ss. 120.54 and
19 120.536(1) to implement the provisions ~~may promulgate rules to~~
20 ~~carry out the purposes of this chapter.~~

21 Section 207. Section 633.01, Florida Statutes, is
22 amended to read:

23 633.01 State Fire Marshal; powers and duties; rules.--

24 (1) The head of the Department of Insurance shall be
25 designated as "State Fire Marshal." The State Fire Marshal
26 has authority to adopt rules pursuant to ss. 120.54 and
27 120.536(1) ~~shall make and promulgate all rules necessary to~~
28 ~~implement the provisions of this chapter~~ conferring powers or
29 ~~which grant powers and impose duties upon the department on~~
30 ~~the State Fire Marshal and to effectuate the enforcement of~~
31 ~~such powers and duties.~~ Rules shall be in substantial

1 conformity with generally accepted standards of firesafety;
2 shall take into consideration the direct supervision of
3 children in nonresidential child care facilities; and shall
4 balance and temper the need of the State Fire Marshal to
5 protect all Floridians from fire hazards with the social and
6 economic inconveniences that may be caused or created by the
7 rules. However, the department shall not adopt minimum
8 firesafety standards, except to the extent required by s.
9 394.879.

10 ~~(2) Subject to the limitations of subsection (1),~~
11 ~~rules promulgated by the State Fire Marshal shall be such as~~
12 ~~are reasonably necessary for the protection of the health,~~
13 ~~welfare, and safety of the public and shall be in substantial~~
14 ~~conformity with generally accepted standards of firesafety.~~
15 ~~In the promulgation of rules, the State Fire Marshal shall~~
16 ~~give consideration to generally accepted standards of~~
17 ~~firesafety.~~

18 (2)~~(3)~~ Subject to the limitations of subsection (1),
19 it is the intent of the Legislature that the State Fire
20 Marshal shall have the responsibility to minimize the loss of
21 life and property in this state due to fire. The State Fire
22 Marshal shall enforce all laws and provisions of this chapter,
23 and any rules adopted pursuant thereto, relating to:

24 (a) The prevention of fire and explosion through the
25 regulation of conditions which could cause fire or explosion,
26 the spread of fire, and panic resulting therefrom;

27 (b) Installation and maintenance of fire alarm systems
28 and fire protection systems, including fire suppression
29 systems, fire-extinguishing equipment, and fire sprinkler
30 systems;

31

1 (c)1. Servicing, repairing, recharging, testing,
2 marking, inspecting, installing, maintaining, and tagging of
3 fire extinguishers, preengineered systems, and individually
4 designed fire protection systems;

5 2. The training and licensing of persons engaged in
6 the business of servicing, repairing, recharging, testing,
7 marking, inspecting, installing, maintaining, and tagging fire
8 extinguishers, preengineered systems, and individually
9 designed fire protection systems;

10 (d) The maintenance of fire cause and loss records;
11 and

12 (e) Suppression of arson and the investigation of the
13 cause, origin, and circumstances of fire.

14 (3)~~(4)~~ The State Fire Marshal shall establish by rule
15 guidelines and procedures for triennial renewal of firesafety
16 inspector requirements for certification.

17 (4)~~(5)~~ It is the intent of the Legislature that the
18 rules promulgated by the State Fire Marshal pursuant to this
19 section be enforced in such a manner as to prohibit the
20 displacement of currently placed mobile homes unless there is
21 a threat of imminent danger to the health, safety, or welfare
22 of the general public. ~~Furthermore, it is the intent of the~~
23 ~~Legislature that consideration be given to the social and~~
24 ~~economic inconveniences which may be caused or created by the~~
25 ~~rules promulgated by the State Fire Marshal pursuant to this~~
26 ~~section.~~

27 ~~(6) It is the intent of the Legislature that the rules~~
28 ~~adopted by the State Fire Marshal pursuant to this section be~~
29 ~~promulgated in such a manner as to take into consideration the~~
30 ~~direct supervision of children in nonresidential child care~~
31 ~~facilities and to balance and temper the need of the State~~

1 ~~Fire Marshal to protect all citizens from fire hazards with~~
2 ~~the social and economic inconveniences which may be caused or~~
3 ~~created by the rules promulgated by the State Fire Marshal~~
4 ~~pursuant to this section.~~

5 Section 208. Subsection (1) of section 633.517,
6 Florida Statutes, is amended to read:

7 633.517 Authority of State Fire Marshal to adopt
8 rules, administer oaths, and take testimony.--

9 (1) The State Fire Marshal is authorized, with the
10 advice of the board, to adopt rules pursuant to ss. 120.54 and
11 120.536(1) and regulations to implement ~~carry out~~ the
12 provisions of this act.

13 Section 209. Section 634.021, Florida Statutes, is
14 amended to read:

15 634.021 Powers of department; rules.--The department
16 shall administer this act and to that end it has authority to
17 ~~may adopt, promulgate, and enforce~~ rules pursuant to ss.
18 120.54 and 120.536(1) to implement the ~~necessary and proper to~~
19 ~~effectuate any~~ provisions of this act.

20 Section 210. Section 634.302, Florida Statutes, is
21 amended to read:

22 634.302 Powers of department; rules.--The department
23 shall administer this part, and, to that end, it has authority
24 to may adopt, promulgate, and enforce rules pursuant to ss.
25 120.54 and 120.536(1) to implement the ~~necessary and proper to~~
26 ~~effectuate any~~ provisions of this part.

27 Section 211. Section 634.402, Florida Statutes, is
28 amended to read:

29 634.402 Powers of department; rules.--The department
30 shall administer this part, and to that end it has authority
31 to may adopt and enforce rules pursuant to ss. 120.54 and

1 120.536(1) to implement the provisions ~~necessary and proper to~~
2 ~~effectuate any provision~~ of this part.

3 Section 212. Section 635.081, Florida Statutes, is
4 amended to read:

5 635.081 Administration and enforcement.--The
6 department has authority to adopt rules pursuant to ss. 120.54
7 and 120.536(1) to implement ~~shall adopt such rules as are~~
8 ~~necessary to carry out~~ the provisions of this chapter and
9 shall have the same powers of administration and enforcement
10 of the provisions of this chapter as it has with respect to
11 casualty or surety insurers in general under the Florida
12 Insurance Code.

13 Section 213. Section 636.067, Florida Statutes, is
14 amended to read:

15 636.067 Rules.--The department has authority to may,
16 ~~after notice and hearing,~~ adopt rules pursuant to ss. 120.54
17 and 120.536(1) to implement the provisions of ~~administer~~ this
18 act. A violation of any such rule subjects the violator to
19 the provisions of s. 636.048.

20 Section 214. Section 641.403, Florida Statutes, is
21 amended to read:

22 641.403 Promulgation of rules.--The Department of
23 Insurance has authority to adopt rules pursuant to ss. 120.54
24 and 120.536(1) to implement ~~shall promulgate rules necessary~~
25 ~~to carry out~~ the provisions of this part.

26 Section 215. Section 641.56, Florida Statutes, is
27 amended to read:

28 641.56 Rulemaking authority.--The Agency for Health
29 Care Administration has authority to adopt rules pursuant to
30 ss. 120.54 and 120.536(1) to implement the provisions of ~~is~~
31 ~~authorized to make rules, not inconsistent with law, which may~~

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

4 Section 216. Paragraph (a) of subsection (1) of
5 section 648.26, Florida Statutes, is amended to read:

6 648.26 Department of Insurance; administration.--

7 (1) The department shall administer the provisions of
8 this chapter as provided in this chapter.

9 (a) The department has authority to ~~may~~ adopt rules
10 pursuant to ss. 120.54 and 120.536(1) to implement the
11 provisions of necessary and proper to effect any of the duties
12 or powers of the department provided in this chapter
13 conferring powers or duties upon it.

14 Section 217. Subsection (3) of section 651.015,
15 Florida Statutes, is amended to read:

16 651.015 Administration; forms; fees; rules;
17 fines.--The administration of this chapter is vested in the
18 department, which shall:

19 (3) Adopt rules pursuant to ss. 120.54 and 120.536(1)
20 to implement the provisions, within the standards of this
21 chapter, necessary to effect the purposes of this chapter.
22 ~~Specific provisions in this chapter relating to any subject~~
23 ~~shall not preclude the department from adopting rules~~
24 ~~concerning such subject if such rules are within the standards~~
25 ~~and purposes of this chapter.~~

26 Section 218. Subsection (3) of section 655.012,
27 Florida Statutes, is amended to read:

28 655.012 General supervisory powers of the department;
29 rulemaking.--In addition to other powers conferred by the
30 financial institutions codes, the department shall have:

31

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

8 Section 219. Section 681.118, Florida Statutes, is
9 amended to read:

10 681.118 Rulemaking authority.--The Department of Legal
11 Affairs shall adopt rules pursuant to ss. 120.54 and
12 120.536(1) to implement the provisions of this chapter.

13 Section 220. Section 717.138, Florida Statutes, is
14 amended to read:

15 717.138 Rulemaking authority.--The Department of
16 Banking and Finance shall administer and provide for the
17 enforcement of this chapter. The department has authority to
18 adopt rules pursuant to ss. 120.54 and 120.536(1) to implement
19 the provisions ~~is authorized to make rules and to perform such~~
20 ~~other acts as are necessary or convenient for the proper~~
21 ~~administration, enforcement, and interpretation of this~~
22 chapter.

23 Section 221. Paragraph (f) of subsection (1) of
24 section 718.501, Florida Statutes, is amended to read:

25 718.501 Powers and duties of Division of Florida Land
26 Sales, Condominiums, and Mobile Homes.--

27 (1) The Division of Florida Land Sales, Condominiums,
28 and Mobile Homes of the Department of Business and
29 Professional Regulation, referred to as the "division" in this
30 part, in addition to other powers and duties prescribed by
31 chapter 498, has the power to enforce and ensure compliance

1 with the provisions of this chapter and rules promulgated
2 pursuant hereto relating to the development, construction,
3 sale, lease, ownership, operation, and management of
4 residential condominium units. In performing its duties, the
5 division has the following powers and duties:

6 (f) The division has authority to adopt rules pursuant
7 to ss. 120.54 and 120.536(1) to implement and enforce the
8 provisions of ~~is authorized to promulgate rules, pursuant to~~
9 ~~chapter 120, necessary to implement, enforce, and interpret~~
10 this chapter.

11 Section 222. Paragraph (f) of subsection (1) of
12 section 719.501, Florida Statutes, is amended to read:

13 719.501 Powers and duties of Division of Florida Land
14 Sales, Condominiums, and Mobile Homes.--

15 (1) The Division of Florida Land Sales, Condominiums,
16 and Mobile Homes of the Department of Business and
17 Professional Regulation, referred to as the "division" in this
18 part, in addition to other powers and duties prescribed by
19 chapter 498, has the power to enforce and ensure compliance
20 with the provisions of this chapter and rules promulgated
21 pursuant hereto relating to the development, construction,
22 sale, lease, ownership, operation, and management of
23 residential cooperative units. In performing its duties, the
24 division shall have the following powers and duties:

25 (f) The division has authority to adopt rules pursuant
26 to ss. 120.54 and 120.536(1) to implement and enforce the
27 provisions of ~~is authorized to promulgate rules, pursuant to~~
28 ~~chapter 120, necessary to implement, enforce, and interpret~~
29 this chapter.

30 Section 223. Subsection (6) of section 721.26, Florida
31 Statutes, is amended to read:

1 721.26 Regulation by division.--The division has the
2 power to enforce and ensure compliance with the provisions of
3 this chapter using the powers provided in this chapter, as
4 well as the powers prescribed in chapters 498, 718, and 719.
5 In performing its duties, the division shall have the
6 following powers and duties:

7 (6) The division has authority to adopt rules pursuant
8 to ss. 120.54 and 120.536(1) to implement and enforce the
9 provisions of ~~is authorized to adopt, amend, or repeal rules~~
10 ~~pursuant to chapter 120 as necessary to implement, enforce,~~
11 ~~and interpret~~ this chapter.

12 Section 224. Subsection (7) of section 723.006,
13 Florida Statutes, is amended to read:

14 723.006 Powers and duties of division.--In performing
15 its duties, the division has the following powers and duties:

16 (7) The division has authority to adopt rules pursuant
17 to ss. 120.54 and 120.536(1) to implement and enforce the
18 provisions of ~~is authorized to promulgate rules, pursuant to~~
19 ~~chapter 120, which are necessary to implement, enforce, and~~
20 ~~interpret~~ this chapter.

21 Section 225. Section 916.20, Florida Statutes, is
22 amended to read:

23 916.20 Operation and administration; rules.--

24 (1) The department is authorized to ~~promulgate rules,~~
25 enter into contracts, and do such things as may be necessary
26 and incidental to assure compliance with and to carry out the
27 provisions of this chapter in accordance with the stated
28 legislative intent.

29 (2) The department has authority to adopt rules
30 pursuant to ss. 120.54 and 120.536(1) to implement the
31 provisions of this chapter ~~Rules of the department shall be~~

1 ~~adopted in accordance with the provisions of chapter 120, the~~
2 ~~Administrative Procedure Act.~~

3 Section 226. Subsection (4) of section 943.03, Florida
4 Statutes, is amended to read:

5 943.03 Department of Law Enforcement.--

6 (4) ~~Pursuant to chapter 120,~~The department shall
7 adopt the rules pursuant to ss. 120.54 and 120.536(1) to
8 implement the provisions of and regulations deemed necessary
9 ~~to carry out its duties and responsibilities under this~~
10 chapter conferring duties upon it.

11 Section 227. Subsection (1) of section 944.09, Florida
12 Statutes, is amended to read:

13 944.09 Rules of the department; offenders,
14 probationers, and parolees.--

15 (1) The department has authority to shall adopt rules
16 pursuant to ss. 120.54 and 120.536(1) to implement its
17 statutory authority. The rules must include rules relating to
18 ~~governing the administration of the correctional system and~~
19 ~~the operation of the department, which rules shall relate to:~~

20 (a) The rights of inmates.

21 (b) The ~~rules of~~ conduct to be observed by inmates and
22 the categories of violations according to degrees or levels of
23 severity, as well as the degrees of punishment applicable and
24 appropriate to such violations.

25 (c) Disciplinary procedures and punishment.

26 (d) Grievance procedures which shall conform to 42
27 U.S.C. s. 1997e.

28 (e) The operation and management of the correctional
29 institution or facility and its personnel and functions.

30 (f) The development of a staffing formula for security
31 positions in its residential facilities, taking into account

1 the factors of leave time, security needs, and training
2 requirements.

3 (g) Mail to and from the state correctional system.

4 (h) Gain-time for good conduct of, release payments
5 to, and release transportation of inmates.

6 (i) Uniforms for inmates and custodial personnel.

7 (j) ~~Rules of~~ Conduct of custodial and other personnel.

8 (k) Classification of personnel and duties assigned
9 thereto and classification and separation of offenders
10 according to age, sex, and such other factors as are deemed
11 advisable.

12 (l) Credits for confinement prior to commitment to the
13 department.

14 (m) Payments to prisoners for work performed. Such
15 payments, if any, shall include restrictions on the use of
16 earnings, including payments for support of dependents and
17 release reserves. The rules shall provide that no payment
18 shall be made to any prisoner who fails to perform the work
19 assigned satisfactorily.

20 (n) Visiting hours and privileges. The rules shall
21 provide that any inmate with a current or prior conviction for
22 any offense contained in chapter 794, chapter 800, chapter
23 827, or chapter 847 for committing or attempting to commit
24 aggravated child abuse or committing or attempting to commit a
25 sex act on, in the presence of, or against a child under the
26 age of 16 years, shall not be allowed visitation with anyone
27 under the age of 18 years, unless special visitation is
28 approved by the superintendent. The authorization for special
29 visitation shall be based on extenuating circumstances that
30 serve the interest of the children. If visiting is restricted
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1 by court order, permission for special visitation may be
2 granted only by the judge issuing the order.

3 (o) Mail to and from inmates, including rules
4 specifying the circumstances under which an inmate must pay
5 for the cost of postage for mail that the inmate sends. The
6 department may not adopt a rule that requires an inmate to pay
7 any postage costs that the state is constitutionally required
8 to pay.

9 (p) The feeding of prisoners, including diet and
10 menus, and the furnishing of health and comfort items to
11 indigent prisoners.

12 (q) The determination of restitution, including the
13 amount and to whom it should be paid. The rules shall provide
14 necessary explanation to support recommendations regarding
15 restitution.

16 ~~(r) Such other rules as in the opinion of the~~
17 ~~department may be necessary for the efficient operation and~~
18 ~~management of the correctional system.~~

19 Section 228. Section 947.07, Florida Statutes, is
20 amended to read:

21 947.07 Rules ~~and regulations~~.--The commission has
22 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
23 ~~shall have power to make such rules and regulations as it~~
24 ~~deems best~~ for its governance, including among other things
25 rules of practice and procedure and rules prescribing
26 qualifications to be possessed by its employees.

27 Section 229. Paragraph (b) of subsection (1) of
28 section 960.045, Florida Statutes, is amended to read:

29 960.045 Department of Legal Affairs; powers and
30 duties.--It shall be the duty of the department to assist
31 persons who are victims of crime.

1 (1) The department shall:

2 (b) ~~Adopt, promulgate, amend, and rescind such rules~~
3 pursuant to ss. 120.54 and 120.536(1) to implement as are
4 ~~necessary to carry out~~ the provisions of this chapter.

5 Section 230. Section 985.405, Florida Statutes, is
6 amended to read:

7 985.405 Rules for implementation.--The Department of
8 Juvenile Justice shall adopt rules pursuant to ss. 120.54 and
9 120.536(1) to implement the provisions of ~~for the efficient~~
10 ~~and effective management of all programs, services,~~
11 ~~facilities, and functions necessary for implementing this~~
12 chapter. Such rules may not conflict with the Florida Rules of
13 Juvenile Procedure. All rules and policies must conform to
14 accepted standards of care and treatment.

15 Section 231. Subsection (1) of section 633.70, Florida
16 Statutes, is amended to read:

17 633.70 Jurisdiction of State Fire Marshal over alarm
18 system contractors and certified unlimited electrical
19 contractors.--

20 (1) When the State Fire Marshal, in the course of its
21 activities pursuant to s. 633.01 (2)~~s. 633.01(3)~~determines
22 that an alarm system contractor or a certified unlimited
23 electrical contractor working with an alarm system has
24 violated any provision of this chapter or the rules of the
25 State Fire Marshal, the State Fire Marshal shall have
26 jurisdiction, notwithstanding any other provision of this
27 chapter, to order corrective action by the alarm system
28 contractor or the certified unlimited electrical contractor to
29 bring the alarm system into compliance with applicable
30 standards set forth in this chapter and the rules of the State
31 Fire Marshal.

1 Section 232. Present subsections (15) through (30) of
2 section 334.044, Florida Statutes, are renumbered as
3 subsections (16) through (31), respectively, and a new
4 subsection (15) is added to that section, to read:

5 334.044 Department; powers and duties.--The department
6 shall have the following general powers and duties:

7 (15) To regulate and prescribe conditions for the
8 transfer of stormwater to the state right-of-way as a result
9 of man-made changes to adjacent properties.

10 (a) Such regulation shall be through a permitting
11 process designed to ensure the safety and integrity of the
12 Department of Transportation facilities and to prevent an
13 unreasonable burden on lower properties.

14 (b) The department is specifically authorized to adopt
15 rules which set forth the purpose, necessary definitions,
16 permit exceptions, permit and assurance requirements, permit
17 application procedures, permit forms, general conditions for a
18 drainage permit, provisions for suspension or revocation of a
19 permit, and provisions for department recovery of fines,
20 penalties and costs incurred due to permittee actions. In
21 order to avoid duplication and overlap with other units of
22 government, the department shall accept a surface water
23 management permit issued by a water management district, the
24 Department of Environmental Protection, a surface water
25 management permit issued by a delegated local government or a
26 permit issued pursuant to an approved Stormwater Management
27 Plan or Master Drainage Plan; provided issuance is based on
28 requirements equal to or more stringent than those of the
29 department.

30 Section 233. Subsection (15) of section 334.044,
31 Florida Statutes, as created by section 1 of Committee

1 Substitute for Senate Bill 846 as enacted by the Legislature
2 during 1998 Regular Session is repealed.

3 Section 234. Subsection (3) of section 370.092,
4 Florida Statutes, is amended to read:

5 370.092 Carriage of proscribed nets across Florida
6 waters.--

7 (3)(a) Notwithstanding subsections (1) and (2), unless
8 authorized by rule of the Marine Fisheries Commission, it is a
9 major violation under this section, punishable as provided in
10 subsection (4), for any person, firm, or corporation to
11 possess any gill or entangling net, or any seine net larger
12 than 500 square feet in mesh area, on any airboat or on any
13 other vessel less than 22 feet in length and on any vessel
14 less than 25 feet if primary power of the vessel is mounted
15 forward of the vessel center point. Gill or entangling nets
16 shall be as defined in s. 16, Art. X of the State
17 Constitution, s. 370.093(2)(b), or in a rule of the Marine
18 Fisheries Commission implementing s. 16, Art. X of the State
19 Constitution. Vessel length shall be determined in accordance
20 with current U.S. Coast Guard regulations specified in the
21 Code of Federal Regulations or as titled by the State of
22 Florida. The Marine Fisheries Commission is directed to
23 initiate by July 1, 1998, rulemaking to adjust by rule the use
24 of gear on vessels longer than 22 feet where the primary power
25 of the vessel is mounted forward of the vessel center point in
26 order to prevent the illegal use of gill and entangling nets
27 in state waters and to provide reasonable opportunities for
28 the use of legal net gear in adjacent federal waters.

29 (b)(a) It shall be a major violation pursuant to this
30 section and shall be punished as provided in subsection (4)
31 for any person, firm, or corporation to be simultaneously in

1 possession of any species of mullet in excess of the
2 recreational daily bag limit and any gill or other entangling
3 net as defined in s. 16(c), Art. X of the State Constitution.
4 Simultaneous possession under this provision shall include
5 possession of mullet and gill or other entangling nets on
6 separate vessels or vehicles where such vessels or vehicles
7 are operated in coordination with one another including
8 vessels towed behind a main vessel. This subsection does not
9 prohibit a resident of this state from transporting on land,
10 from Alabama to this state, a commercial quantity of mullet
11 together with a gill net if:

12 1. The person possesses a valid commercial fishing
13 license that is issued by the State of Alabama and that allows
14 the person to use a gill net to legally harvest mullet in
15 commercial quantities from Alabama waters.

16 2. The person possesses a trip ticket issued in
17 Alabama and filled out to match the quantity of mullet being
18 transported, and the person is able to present such trip
19 ticket immediately upon entering this state.

20 3. The mullet are to be sold to a wholesale saltwater
21 products dealer located in Escambia County or Santa Rosa
22 County, which dealer also possesses a valid seafood dealer's
23 license issued by the State of Alabama. The dealer's name must
24 be clearly indicated on the trip ticket.

25 4. The mullet being transported are totally removed
26 from any net also being transported.

27 (c)~~(b)~~ It shall be a major violation pursuant to this
28 section for any person to be in possession of any species of
29 trout, snook, or redfish which is three fish in excess of the
30 recreational or commercial daily bag limit.

31

1 (d) The Marine Fisheries Commission shall adopt rules
2 to prohibit the possession and sale of mullet taken in illegal
3 gill or entangling nets. Violations of such rules shall be
4 punishable as provided in subsection (4).

5 Section 235. Section 370.093, Florida Statutes, is
6 amended to read:

7 370.093 Illegal use of nets.--

8 (1) It is unlawful to take or harvest, or to attempt
9 to take or harvest, any marine life in Florida waters with any
10 net that is not consistent with the provisions of s. 16, Art.
11 X of the State Constitution.

12 (2)(a) Beginning July 1, 1998, it is also unlawful to
13 take or harvest, or to attempt to take or harvest, any marine
14 life in Florida waters with any net, as defined in subsection
15 (3) and any attachments to such net, that combined are larger
16 than 500 square feet and have not been expressly authorized
17 for such use by rule of the Marine Fisheries Commission under
18 s. 370.027. The use of currently legal shrimp trawls and
19 purse seines outside nearshore and inshore Florida waters
20 shall continue to be legal until the commission implements
21 rules regulating those types of gear.

22 (b) The use of gill or entangling nets of any size is
23 prohibited, as such nets are defined in s. 16, Art. X of the
24 State Constitution. Any net constructed wholly or partially
25 of monofilament or multifilament material, other than a hand
26 thrown cast net, or a handheld landing or dip net, shall be
27 considered to be an entangling net within the prohibition of
28 s. 16, Art. X of the State Constitution unless specifically
29 authorized by rule of the commission. Multifilament material
30 shall not be defined to include nets constructed of braided or
31 twisted nylon, cotton, linen twine, or polypropylene twine.

1 (c) This subsection shall not be construed to apply to
2 aquaculture activities licenses issued pursuant to s. 370.26.

3 (3) As used in s. 16, Art. X of the State Constitution
4 and this subsection, the term "net" or "netting" must be
5 broadly construed to include all manner or combination of mesh
6 or webbing or any other solid or semisolid fabric or other
7 material used to comprise a device that is used to take or
8 harvest marine life.

9 (4) Upon the arrest of any person for violation of
10 this subsection, the arresting officer shall seize the nets
11 illegally used. Upon conviction of the offender, the arresting
12 authority shall destroy the nets.

13 (5) Any person who violates this section shall be
14 punished as provided in s. 370.092(4).

15 (6) The Marine Fisheries Commission is granted
16 authority to adopt rules pursuant to ss. 370.025 and 370.027
17 implementing this section and the prohibitions and
18 restrictions of s. 16, Art. X of the State Constitution.

19 Section 236. This act shall take effect July 1 of the
20 year in which enacted.

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