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Bill No. CS/HB 1509

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

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

ORIGINAL STAMP BELOW

11 The Committee on General Government Appropriations offered the
 12 following:

Amendment (with title amendment)

15 On page 6, lines 9 and 10,
 16 remove all of said lines,

18 and insert in lieu thereof:

19 Section 4. Section 14.202, Florida Statutes, is
 20 amended to read:

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

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1 ~~its duties and responsibilities.~~

2 Section 5. Section 17.29, Florida Statutes, is amended
3 to read:

4 17.29 Authority to prescribe rules.--The Comptroller
5 has authority to adopt rules pursuant to ss. 120.54 and
6 120.536(1) to implement duties assigned by statute or the
7 State Constitution ~~may prescribe any rule he or she considers~~
8 ~~necessary to properly fulfill his or her constitutional and~~
9 ~~statutory duties.~~ Such rules may include, but are not limited
10 to, the following:

11 (1) Procedures or policies relating to the processing
12 of payments from salaries, other personal services, or any
13 other applicable appropriation.

14 (2) Procedures for processing interagency and
15 intraagency payments which do not require the issuance of a
16 state warrant.

17 Section 6. Section 18.22, Florida Statutes, is amended
18 to read:

19 18.22 Rules ~~and regulations.~~--The department has
20 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
21 to implement ~~All rules and regulations necessary to effectuate~~
22 ~~the provisions of this chapter may be adopted by the~~
23 ~~department in accordance with the provisions of chapter 120.~~

24 Section 7. Paragraph (k) of subsection (4) of section
25 20.171, Florida Statutes, is amended to read:

26 20.171 Department of Labor and Employment
27 Security.--There is created a Department of Labor and
28 Employment Security.

29 (4)

30 (k) The commission has authority to ~~shall, in~~
31 ~~accordance with chapter 120, adopt, promulgate, amend, or~~

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1 ~~rescind such rules pursuant to ss. 120.54 and 120.536(1) to~~
2 ~~implement provisions of law conferring duties upon it as it~~
3 ~~deems necessary and administratively feasible to carry out its~~
4 ~~responsibilities.~~

5 Section 8. Section 63.233, Florida Statutes, is
6 amended to read:

7 63.233 Rulemaking authority.--The department shall
8 adopt rules pursuant to ss. 120.54 and 120.536(1) to implement
9 the provisions of this chapter.

10 Section 9. Subsection (2) of section 175.341, Florida
11 Statutes, is amended to read:

12 175.341 Duties of Division of Retirement; rulemaking
13 authority; investments by the State Board of Administration.--

14 (2) The division has authority to ~~shall~~ adopt rules
15 pursuant to ss. 120.54 and 120.536(1) to implement the
16 provisions of ~~necessary for the administration of this~~
17 ~~chapter.~~

18 Section 10. Paragraph (e) of subsection (2) of section
19 177.504, Florida Statutes, is amended to read:

20 177.504 Powers and duties of the department.--

21 (2) The functions, duties, and responsibilities of the
22 department shall be:

23 (e) To adopt rules pursuant to ss. 120.54 and
24 120.536(1) ~~and regulations necessary to implement the~~
25 provisions of ~~carry out the purpose of this act.~~

26 Section 11. Subsection (2) of section 185.23, Florida
27 Statutes, is amended to read:

28 185.23 Duties of Division of Retirement; rulemaking;
29 investment by State Board of Administration.--

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

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1 ~~provisions of necessary for the administration of this~~
2 chapter.

3 Section 12. Section 198.08, Florida Statutes, is
4 amended to read:

5 198.08 Rules ~~and regulations.~~--The department has
6 authority to adopt ~~may from time to time make such rules~~
7 pursuant to ss. 120.54 and 120.536(1)~~and regulations not~~
8 ~~inconsistent with this chapter as it may deem necessary to~~
9 enforce the provisions of this chapter and may adopt, as
10 rules, such rules and regulations as are ~~or may be~~ promulgated
11 with respect to the estate tax or generation-skipping transfer
12 tax provisions of the Revenue Act of the United States insofar
13 as they are ~~shall be~~ applicable hereto. The department may
14 from time to time prescribe such forms as it shall deem proper
15 for the administration of this chapter.

16 Section 13. Section 199.202, Florida Statutes, is
17 amended to read:

18 199.202 Administration of law; rules.--The department
19 shall administer and enforce the assessment and collection of
20 the taxes, interest, and penalties imposed by this chapter. It
21 may by rule prescribe the form and content of all returns and
22 reports. It has authority to adopt rules pursuant to ss.
23 120.54 and 120.536(1)~~is further authorized to promulgate all~~
24 ~~other rules not inconsistent with this chapter as it deems~~
25 ~~necessary to administer and enforce the provisions of this~~
26 chapter.

27 Section 14. Subsection (1) of section 201.11, Florida
28 Statutes, is amended to read:

29 201.11 Administration of law by Department of
30 Revenue.--

31 (1) The administration of this chapter shall be vested

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1 in the Department of Revenue, which has authority to adopt
2 rules pursuant to ss. 120.54 and 120.536(1) to enforce the
3 provisions of this chapter ~~shall prescribe suitable rules and~~
4 ~~regulations for the enforcement of the provisions thereof, and~~
5 shall administer and enforce the taxes levied and imposed by
6 this chapter. The Department of Revenue may enter upon the
7 premises of any taxpayer, and examine or cause to be examined
8 by any agent or representative designated by it for that
9 purpose, any books, papers, records, or memoranda bearing upon
10 the amount of taxes payable, and secure other information
11 directly or indirectly concerned in the enforcement of this
12 chapter. Any person, subject to this tax, who shall by any
13 practice or evasion make it difficult to enforce the
14 provisions of this chapter by inspection, or any person, agent
15 or officer, who shall, after demand by the department or any
16 agent or representative designated by it for that purpose,
17 refuse to allow full inspection of the premises or any part
18 thereof, or any books, records, documents, or other
19 instruments in any way relating to the liability of the
20 taxpayer for the tax herein imposed, or shall hinder or in
21 anywise delay or prevent such inspection, shall be guilty of a
22 misdemeanor of the second degree, punishable as provided in s.
23 775.082 or s. 775.083.

24 Section 15. Subsection (2) of section 207.011, Florida
25 Statutes, is amended to read:

26 207.011 Inspection of records; hearings; forms;
27 rules.--

28 (2) The department has authority to adopt rules
29 pursuant to ss. 120.54 and 120.536(1) to enforce the
30 provisions of ~~shall have the authority to prescribe all rules~~
31 ~~necessary for the enforcement of this chapter.~~

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1 Section 16. Subsection (1) of section 210.10, Florida
2 Statutes, is amended to read:

3 210.10 General powers of the Division of Alcoholic
4 Beverages and Tobacco.--

5 (1) The Division of Alcoholic Beverages and Tobacco
6 has authority to adopt rules pursuant to ss. 120.54 and
7 120.536(1) to implement ~~is authorized to prescribe and~~
8 ~~promulgate all rules and regulations necessary to effectuate~~
9 ~~the provisions of this part consistent with the terms hereof.~~
10 All cigarette permits issued hereunder shall have printed
11 thereon a notice to the effect that such permit is issued
12 subject to the provisions of this part and such said rules and
13 regulations. The division shall provide upon request without
14 charge to any applicant for a permit a copy of this part and
15 the rules ~~and regulations~~ prescribed by it pursuant hereto.

16 Section 17. Subsection (2) of section 210.75, Florida
17 Statutes, is amended to read:

18 210.75 Administration.--

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

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

25 212.17 Credits for returned goods, rentals, or
26 admissions; additional powers of department.--

27 (6) The department has authority to adopt rules
28 pursuant to ss. 120.54 and 120.536(1) to enforce the
29 provisions of this chapter ~~shall have the power to make,~~
30 ~~prescribe and publish reasonable rules and regulations not~~
31 ~~inconsistent with this chapter, or the other laws, or the~~

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1 ~~constitution of this state, or the United States, for the~~
2 ~~enforcement of the provisions of this chapter and the~~
3 ~~collection of revenue hereunder, and such rules and~~
4 ~~regulations shall when enforced be deemed to be reasonable and~~
5 ~~just.~~

6 Section 19. Subsection (2) of section 212.18, Florida
7 Statutes, is amended to read:

8 212.18 Administration of law; registration of dealers;
9 rules.--

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

28 Section 20. Subsection (1) of section 213.06, Florida
29 Statutes, is amended to read:

30 213.06 Rules of department; circumstances requiring
31 emergency rules.--

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1 (1) The Department of Revenue has the is granted
2 authority to adopt ~~such~~ rules pursuant to ss. 120.54 and
3 120.536(1)~~as are necessary to implement provisions of carry~~
4 ~~out the intent and purposes of this chapter and all other~~
5 revenue laws ~~administered by the department, and it may amend~~
6 ~~such rules to conform to legislation or departmental policy~~
7 ~~changes made in the absence of any legislation.~~

8 Section 21. Subsection (5) of section 215.62, Florida
9 Statutes, is amended to read:

10 215.62 Division of Bond Finance.--

11 (5) The board has authority ~~shall have power~~ to adopt
12 ~~such~~ rules pursuant to ss. 120.54 and 120.536(1) to implement
13 provisions of law conferring duties on it ~~and regulations as~~
14 ~~may be necessary for carrying out the duties of the division.~~
15 The board shall hold regular and special meetings at such
16 places and times, in such manner, and after such notice as may
17 be provided by resolution adopted by the board or upon call of
18 the chair.

19 Section 22. Paragraph (a) of subsection (2) of section
20 215.95, Florida Statutes, is amended to read:

21 215.95 Financial Management Information Board.--

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

24 (a) Adopt ~~such~~ rules pursuant to ss. 120.54 and
25 120.536(1)~~, policies, procedures, principles, and standards as~~
26 ~~deemed necessary~~ to implement the Florida Financial Management
27 Information System.

28 Section 23. Section 217.14, Florida Statutes, is
29 amended to read:

30 217.14 Adoption of rules ~~and regulations~~.--The
31 department has authority ~~is authorized~~ to adopt, ~~promulgate,~~

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1 ~~and repeal~~ rules pursuant to ss. 120.54 and 120.536(1) to
2 implement the provisions of ~~and carry out the purpose of this~~
3 chapter, ~~in compliance with chapter 120.~~

4 Section 24. Subsection (8) of section 220.182, Florida
5 Statutes, is amended to read:

6 220.182 Enterprise zone property tax credit.--
7 (8) The department has authority to adopt rules
8 pursuant to ss. 120.54 and 120.536(1) to implement the
9 provisions of ~~shall promulgate any rules necessary to ensure~~
10 ~~the orderly implementation and administration of this act.~~

11 Section 25. Paragraphs (a) and (d) of subsection (6)
12 of section 220.183, Florida Statutes, are amended to read:

13 220.183 Community contribution tax credit.--
14 (6) ADMINISTRATION.--
15 (a) The Office of Tourism, Trade, and Economic
16 Development has authority to adopt rules pursuant to ss.
17 120.54 and 120.536(1) ~~is authorized to promulgate all rules~~
18 ~~necessary to implement the provisions of~~ administer this
19 section, including rules for the approval or disapproval of
20 proposals by business firms.

21 (d) The Department of Revenue has authority to adopt
22 rules pursuant to ss. 120.54 and 120.536(1) to implement the
23 provisions of ~~shall promulgate any rules necessary to ensure~~
24 ~~the orderly implementation and administration of this section.~~

25 Section 26. Subsection (1) of section 229.053, Florida
26 Statutes, is amended to read:

27 229.053 General powers of state board.--
28 (1) The State Board of Education is the chief
29 policymaking and coordinating body of public education in
30 Florida. It has authority to adopt rules pursuant to ss.
31 120.54 and 120.536(1) to implement the provisions of law

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1 ~~conferring duties upon it has the general powers to determine,~~
2 ~~adopt, or prescribe such policies, rules, regulations, or~~
3 ~~standards as are required by law or as it may find necessary~~
4 for the improvement of the state system of public education.
5 Except as otherwise provided herein, it may, as it shall find
6 appropriate, delegate its general powers to the Commissioner
7 of Education or the directors of the divisions of the
8 department.

9 Section 27. Section 229.515, Florida Statutes, is
10 amended to read:

11 229.515 Rules and standards have force of law.--The
12 Commissioner of Education has authority to adopt rules
13 pursuant to ss. 120.54 and 120.536(1) to implement the
14 provisions of ~~may prescribe such rules and minimum standards~~
15 ~~as are necessary to carry out his or her responsibilities~~
16 ~~under~~ the school code conferring duties upon the commissioner,
17 with the exception of provisions relating to state
18 universities and community colleges and the Florida School for
19 the Deaf and the Blind, ~~and all such rules and minimum~~
20 ~~standards, if not in conflict with the school code, have the~~
21 ~~full force and effect of law. The commissioner, in prescribing~~
22 ~~such rules, is considered an "agency" for purposes of chapter~~
23 ~~120.~~

24 Section 28. Subsection (2) of section 230.22, Florida
25 Statutes, is amended to read:

26 230.22 General powers of school board.--The school
27 board, after considering recommendations submitted by the
28 superintendent, shall exercise the following general powers:

29 (2) Adopt ~~such~~ rules pursuant to ss. 120.54 and
30 120.536(1) to implement the provisions of law conferring
31 duties upon it ~~and regulations~~ to supplement those prescribed

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1 by the state board and the commissioner ~~as in its opinion will~~
2 ~~contribute to the more orderly and efficient operation of the~~
3 ~~district school system.~~

4 Section 29. Subsection (4) of section 230.32, Florida
5 Statutes, is amended to read:

6 230.32 General powers of superintendents.--The
7 superintendent shall have the authority, and when necessary
8 for the more efficient and adequate operation of the district
9 school system, the superintendent shall exercise the following
10 powers:

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

20 Section 30. Paragraph (d) of subsection (7) of section
21 231.261, Florida Statutes, is amended to read:

22 231.261 Education Practices Commission;
23 organization.--

24 (7) The duties and responsibilities of the commission
25 are to:

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

29 Section 31. Subsection (2) of section 235.01, Florida
30 Statutes, is amended to read:

31 235.01 Purpose; rules.--

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

4 Section 32. Subsection (1) and paragraph (r) of
5 subsection (3) of section 240.209, Florida Statutes, are
6 amended to read:

7 240.209 Board of Regents; powers and duties.--

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

18 (3) The board shall:

19 (r) Adopt ~~such~~ rules pursuant to ss. 120.54 and
20 120.536(1) to implement provisions of law conferring duties
21 upon it as are necessary to carry out its duties and
22 responsibilities.

23 Section 33. Subsection (1) of section 240.227, Florida
24 Statutes, is amended to read:

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

30 (1) ~~Develop and~~ Adopt rules pursuant to ss. 120.54 and
31 120.536(1) to implement provisions of law governing the

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1 operation and administration of the university. Such rules
2 shall be consistent with the mission of the university and
3 statewide rules and policies and shall assist in the
4 development of the university in a manner which will
5 complement the missions and activities of the other
6 universities for the overall purpose of achieving the highest
7 quality of education for the citizens of the state.

8 Section 34. Subsection (2) of section 240.311, Florida
9 Statutes, is amended to read:

10 240.311 State Board of Community Colleges; powers and
11 duties.--

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

25 Section 35. Subsection (2) of section 240.319, Florida
26 Statutes, as amended by section 2 of chapter 97-383, Laws of
27 Florida, is amended to read:

28 240.319 Community college district boards of trustees;
29 duties and powers.--

30 (2) ~~In carrying out this responsibility,~~ The board of
31 trustees, after considering recommendations submitted by the

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1 community college president, has authority to adopt rules
2 pursuant to ss. 120.54 and 120.536(1) to implement the
3 provisions of law conferring duties upon it ~~shall be~~
4 ~~authorized to adopt such rules, procedures, and policies as~~
5 ~~are necessary to operate the community college in such a~~
6 ~~manner as to assure the fulfillment of the responsibilities~~
7 ~~assigned to the board of trustees.~~ These rules, ~~procedures,~~
8 ~~and policies~~ may supplement those prescribed by the State
9 Board of Education and the State Board of Community Colleges
10 if they will contribute to the more orderly and efficient
11 operation of the state community college system.

12 Section 36. Subsection (3) of section 242.331, Florida
13 Statutes, is amended to read:

14 242.331 Florida School for the Deaf and the Blind;
15 board of trustees.--

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

27 Section 37. Paragraph (e) of subsection (1) of section
28 246.041, Florida Statutes, is amended to read:

29 246.041 Powers and duties of board.--

30 (1) The board shall:

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

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1 to implement provisions of law conferring duties upon it
2 ~~necessary to carry out its functions.~~

3 Section 38. Section 246.051, Florida Statutes, is
4 amended to read:

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

8 (1) To adopt ~~such~~ rules pursuant to ss. 120.54 and
9 120.536(1) to implement as it may find necessary to carry out
10 ~~the objectives, purposes, and directives of ss.~~
11 246.011-246.151;

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

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

17 Section 39. Section 246.071, Florida Statutes, is
18 amended to read:

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

30 Section 40. Paragraph (e) of subsection (1) of section
31 246.207, Florida Statutes, is amended to read:

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1 246.207 Powers and duties of board.--

2 (1) The board shall:

3 (e) Prescribe and recommend to the State Board of

4 Education rules to implement ~~as are required by~~ ss.

5 246.201-246.231 ~~or as it may find necessary to aid in carrying~~

6 ~~out the objectives and purposes of ss. 246.201-246.231.~~

7 Section 41. Subsection (1) of section 246.213, Florida

8 Statutes, is amended to read:

9 246.213 Power of State Board of Education.--

10 (1) The State Board of Education, acting on the

11 recommendation of the State Board of Independent Postsecondary

12 Vocational, Technical, Trade, and Business Schools, shall

13 adopt ~~such~~ minimum standards for schools and other rules

14 pursuant to ss. 120.54 and 120.536(1) to implement ~~as are~~

15 ~~required for the administration of~~ ss. 246.201-246.231.

16 Section 42. Paragraph (a) of subsection (7) of section

17 253.03, Florida Statutes, is amended to read:

18 253.03 Board of trustees to administer state lands;

19 lands enumerated.--

20 (7)(a) The Board of Trustees of the Internal

21 Improvement Trust Fund is hereby authorized and directed to

22 administer all state-owned lands and shall be responsible for

23 the creation of an overall and comprehensive plan of

24 development concerning the acquisition, management, and

25 disposition of state-owned lands so as to ensure maximum

26 benefit and use. The Board of Trustees of the Internal

27 Improvement Trust Fund has authority to ~~shall~~ adopt rules

28 pursuant to ss. 120.54 and 120.536(1) to implement the

29 provisions of ~~and regulations necessary to carry out the~~

30 ~~purposes of this act as set forth in this section.~~

31 Section 43. Section 253.73, Florida Statutes, is

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1 amended to read:

2 253.73 Rules ~~and regulations~~; ss.
3 ~~253.67-253.75.--Subject to the requirements of chapter 120,~~
4 The board has authority to may adopt rules pursuant to ss.
5 120.54 and 120.536(1) to administer ~~and regulations necessary~~
6 ~~and appropriate to carry out~~ the provisions of ss.
7 253.67-253.75.

8 Section 44. Section 257.14, Florida Statutes, is
9 amended to read:

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

15 Section 45. Subsection (2) of section 258.007, Florida
16 Statutes, is amended to read:

17 258.007 Powers of division.--
18 (2) The division has authority to adopt rules pursuant
19 to ss. 120.54 and 120.536(1) to implement provisions of law
20 conferring duties on it ~~shall make and publish such rules and~~
21 ~~regulations as it may deem necessary or proper for the~~
22 ~~management and use of the parks, monuments, and memorials~~
23 ~~under its jurisdiction, and the violation of any rule of the~~
24 ~~rules and regulations~~ authorized by this section shall be a
25 misdemeanor and punishable accordingly.

26 Section 46. Section 258.011, Florida Statutes, is
27 repealed.

28 Section 47. Section 258.43, Florida Statutes, is
29 amended to read:

30 258.43 Rules ~~and regulations~~.--
31 (1) The Board of Trustees of the Internal Improvement

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1 Trust Fund has authority to adopt rules pursuant to ss. 120.54
 2 and 120.536(1) to implement ~~shall adopt and enforce reasonable~~
 3 ~~rules and regulations to carry out~~ the provisions of this act
 4 and specifically to provide regulation of human activity
 5 within the preserve in such a manner as not to unreasonably
 6 interfere with lawful and traditional public uses of the
 7 preserve, such as sport and commercial fishing, boating, and
 8 swimming.

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

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

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

23 1. Adopts, by ordinance, standards and criteria no
 24 less restrictive than those in the management plan approved by
 25 the board pursuant to the provisions of rule 18-20.013(2),
 26 Florida Administrative Code; provided, however nothing
 27 contained in this subsection shall expand the powers,
 28 jurisdiction, or authority granted pursuant to this chapter.
 29 When a local government's program proposes to include
 30 standards and criteria that are more restrictive than those in
 31 the management plan approved by the board, such standards and

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1 criteria shall not be effective until they have been approved
2 by the board as being consistent with the provisions of this
3 chapter.

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

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

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

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

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

30 (d) The board may designate the local government as
31 its enforcement arm for purposes of s. 258.46, and the local

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

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

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

24 Section 48. Subsection (1) of section 259.035, Florida
25 Statutes, is amended to read:

26 259.035 Advisory council; powers and duties.--

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

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

13 Section 49. Subsection (2) of section 259.041, Florida
14 Statutes, is amended to read:

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

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

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

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

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

31 (d) Requirements for obtaining written option

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1 agreements so that the interests of the state are fully
2 protected.

3 Section 50. Paragraph (d) of subsection (5) of section
4 265.284, Florida Statutes, is amended to read:

5 265.284 Chief cultural officer; director of division;
6 powers and duties.--

7 (5) The division is further authorized to:

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

12 Section 51. Subsection (1) of section 265.605, Florida
13 Statutes, is amended to read:

14 265.605 Cultural Endowment Program; rulemaking.--

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

18 Section 52. Subsection (1) of section 267.031, Florida
19 Statutes, is amended to read:

20 267.031 Division of Historical Resources.--

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

25 Section 53. Section 280.19, Florida Statutes, is
26 amended to read:

27 280.19 Rules.--The Treasurer shall adopt ~~such~~ rules
28 pursuant to ss. 120.54 and 120.536(1)~~and prescribe such forms~~
29 ~~as may be necessary to administer the provisions~~ accomplish
30 ~~the purposes~~ of this chapter.

31 Section 54. Section 284.17, Florida Statutes, is

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1 amended to read:

2 284.17 Rules ~~and regulations~~.--The Department of
3 Insurance has authority to adopt rules pursuant to ss. 120.54
4 and 120.536(1) to implement the provisions of ~~shall promulgate~~
5 ~~such reasonable rules and regulations as are necessary to aid~~
6 ~~in the implementation of~~ this chapter.

7 Section 55. Subsection (1) of section 288.709, Florida
8 Statutes, is amended to read:

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

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

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

22 Section 56. Subsection (3) of section 292.05, Florida
23 Statutes, is amended to read:

24 292.05 Duties of Department of Veterans' Affairs.--

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

29 Section 57. Paragraph (c) of subsection (1) of section
30 310.151, Florida Statutes, is amended to read:

31 310.151 Rates of pilotage; Pilotage Rate Review

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1 Board.--

2 (1)

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

10 Section 58. Subsection (1) of section 310.185, Florida
11 Statutes, is amended to read:

12 310.185 Rulemaking.--

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

16 Section 59. Subsection (1) of section 319.17, Florida
17 Statutes, is amended to read:

18 319.17 Rules; forms; indexes and records.--

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

24 Section 60. Section 320.011, Florida Statutes, is
25 amended to read:

26 320.011 Administration and enforcement; rules.--The
27 department shall administer and enforce the provisions of this
28 chapter and has authority to may adopt ~~such~~ rules pursuant to
29 ss. 120.54 and 120.536(1) to implement them ~~as it deems~~
30 ~~necessary or proper for the administration hereof~~.

31 Section 61. Section 320.69, Florida Statutes, is

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1 amended to read:

2 320.69 ~~Rules and regulations.~~--The department has
3 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
4 to implement the provisions of ~~may make such rules and~~
5 ~~regulations as it shall deem necessary or proper for the~~
6 ~~effective administration and enforcement of this law.~~

7 Section 62. Section 320.824, Florida Statutes, is
8 amended to read:

9 320.824 ~~Rules and regulations,~~Changes and
10 modifications of standards.--

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

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

24 Section 63. Section 324.042, Florida Statutes, is
25 amended to read:

26 324.042 Administration.--The department shall
27 administer and enforce the provisions of this chapter, and has
28 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
29 to implement them ~~the department may make such rules as may be~~
30 ~~necessary for its administration.~~

31 Section 64. Subsection (2) of section 326.003, Florida

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1 Statutes, is amended to read:

2 326.003 Administration.--The division shall:

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

6 Section 65. Section 327.04, Florida Statutes, is
7 amended to read:

8 327.04 Rules ~~and regulations~~.--

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

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

22 Section 66. Section 330.29, Florida Statutes, is
23 amended to read:

24 330.29 Administration and enforcement; rules;
25 standards for airport sites and airports.--It is the duty of
26 the department to:

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

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

31 (3) Adopt ~~such~~ rules pursuant to ss. 120.54 and

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1 ~~120.536(1) as it deems necessary to implement~~ administer and
2 ~~enforce~~ the provisions of this chapter.

3 Section 67. Subsection (2) of section 334.044, Florida
4 Statutes, is amended to read:

5 334.044 Department; powers and duties.--The department
6 shall have the following general powers and duties:

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

12 Section 68. Paragraph (c) of subsection (10) of
13 section 339.175, Florida Statutes, is amended to read:

14 339.175 Metropolitan planning organization.--It is the
15 intent of the Legislature to encourage and promote the
16 development of transportation systems embracing various modes
17 of transportation in a manner that will maximize the mobility
18 of people and goods within and through urbanized areas of this
19 state and minimize, to the maximum extent feasible, and
20 together with applicable regulatory government agencies,
21 transportation-related fuel consumption and air pollution. To
22 accomplish these objectives, metropolitan planning
23 organizations, referred to in this section as M.P.O.'s, shall
24 develop, in cooperation with the state, transportation plans
25 and programs for metropolitan areas. Such plans and programs
26 must provide for the development of transportation facilities
27 that will function as an intermodal transportation system for
28 the metropolitan area. The process for developing such plans
29 and programs shall be continuing, cooperative, and
30 comprehensive, to the degree appropriate, based on the
31 complexity of the transportation problems.

1 (10) METROPOLITAN PLANNING ORGANIZATION ADVISORY
2 COUNCIL.--
3 (c) The powers and duties of the Metropolitan Planning
4 Organization Advisory Council are to:
5 1. Enter into contracts with individuals, private
6 corporations, and public agencies.
7 2. Acquire, own, operate, maintain, sell, or lease
8 personal property essential for the conduct of business.
9 3. Accept funds, grants, assistance, gifts, or
10 bequests from private, local, state, or federal sources.
11 4. Establish bylaws and adopt rules pursuant to ss.
12 120.54 and 120.536(1) to implement provisions of law
13 conferring powers or duties upon it ~~make rules to effectuate~~
14 ~~its powers, responsibilities, and obligations.~~
15 5. Assist M.P.O.'s in carrying out the urbanized area
16 transportation planning process by serving as the principal
17 forum for collective policy discussion pursuant to law.
18 6. Serve as a clearinghouse for review and comment by
19 M.P.O.'s on the Florida Transportation Plan and on other
20 issues required to comply with federal or state law in
21 carrying out the urbanized area transportation and systematic
22 planning processes instituted pursuant to s. 339.155.
23 7. Employ an executive director and such other staff
24 as necessary to perform adequately the functions of the
25 council, within budgetary limitations. The executive director
26 and staff are exempt from part II of chapter 110 and serve at
27 the direction and control of the council. The council is
28 assigned to the Office of the Secretary of the Department of
29 Transportation or for fiscal and accountability purposes, but
30 it shall otherwise function independently of the control and
31 direction of the department.

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

6 Section 69. Subsection (2) of section 350.127, Florida
7 Statutes, is amended to read:

8 350.127 Penalties; rules; execution of contracts.--

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

14 Section 70. Subsection (1) of section 366.05, Florida
15 Statutes, is amended to read:

16 366.05 Powers.--

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

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1 ~~and enforcement of this chapter.~~

2 Section 71. Subsection (1) of section 367.121, Florida
3 Statutes, is amended to read:

4 367.121 Powers of commission.--

5 (1) In the exercise of its jurisdiction, the
6 commission shall have power:

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

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

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

25 (d) To require repairs, improvements, additions, and
26 extensions to any facility, or to require the construction of
27 a new facility, if reasonably necessary to provide adequate
28 and proper service to any person entitled to service or if
29 reasonably necessary to provide any prescribed quality of
30 service, except that no utility shall be required to extend
31 its service outside the geographic area described in its

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1 certificate of authorization, or make additions to its plant
2 or equipment to serve outside such area, unless the commission
3 first finds that the utility is financially able to make such
4 additional investment without impairing its capacity to serve
5 its existing customers.†

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

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

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

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

25 (i) To require the filing of reports and other data by
26 a public utility or its affiliated companies, including its
27 parent company, regarding transactions or allocations of
28 common costs, among the utility and such affiliated companies.
29 The commission may also require such reports or other data
30 necessary to ensure that a utility's ratepayers do not
31 subsidize nonutility activities.†

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

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

16 Section 72. Section 368.05, Florida Statutes, is
17 amended to read:

18 368.05 Commission jurisdiction, rules ~~and~~
19 ~~regulations.~~--

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

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1 ~~and regulations~~ of the commission shall in each instance
2 prevail.

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

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

24 Section 73. Subsection (6) of section 369.20, Florida
25 Statutes, is amended to read:

26 369.20 Florida Aquatic Weed Control Act.--

27 (6) The department shall adopt rules pursuant to ss.
28 120.54 and 120.536(1) to implement provisions of this section
29 conferring powers or duties upon it, amend, or repeal all
30 rules as necessary to carry out the duties, obligations, and
31 powers set forth in this section and perform any other acts

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1 necessary for the proper administration, enforcement, or
2 interpretation of this section, including creating general
3 permits and exemptions and adopting rules and forms governing
4 reports.

5 Section 74. Subsection (11) of section 369.22, Florida
6 Statutes, is amended to read:

7 369.22 Nonindigenous aquatic plant control.--

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

16 Section 75. Subsection (3) of section 369.251, Florida
17 Statutes, is amended to read:

18 369.251 Invasive nonnative plants; prohibitions;
19 study; removal; rules.--

20 (3) The department has authority to ~~shall~~ adopt rules
21 pursuant to ss. 120.54 and 120.536(1) to implement the
22 provisions of necessary to implement this section. Possession
23 or transportation resulting from natural dispersion, mulching
24 operations, control and disposal, or use in herbaria or other
25 educational or research institutions, or for other reasons
26 determined by the department to be consistent with this
27 section and where there is neither the danger of, nor intent
28 to, further disperse any plant species prohibited by this
29 section, is not subject to the permit or penalty provisions of
30 this section.

31 Section 76. Subsection (1) of section 370.021, Florida

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1 Statutes, is amended to read:

2 370.021 Administration; rules, publications, records;
3 penalty for violation of chapter; injunctions.--

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

18 Section 77. Subsection (5) of section 370.092, Florida
19 Statutes, is amended to read:

20 370.092 Carriage of proscribed nets across Florida
21 waters.--

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

29 Section 78. Subsection (1) of section 370.15, Florida
30 Statutes, is amended to read:

31 370.15 Shrimp; regulation.--

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1 (1) GENERAL AUTHORITY; CONSERVATION.--The department
 2 has authority to adopt rules pursuant to ss. 120.54 and
 3 120.536(1) to implement the provisions of this section. The
 4 department shall encourage ~~is authorized and directed to~~
 5 ~~adopt, promulgate, and enforce rules and regulations~~
 6 ~~consistent with the provisions of this section and the general~~
 7 ~~policy of encouraging~~ the production of the maximum sustained
 8 yield consistent with the preservation and protection of
 9 breeding stock, taking into consideration the recommendations
 10 of the various marine laboratories, as well as those of
 11 interested and experienced groups of private citizens. ~~Such~~
 12 Rules shall and regulations are to control the method, manner,
 13 and equipment used in the taking of shrimp or prawn, as well
 14 as limiting and defining the areas where taken.

15 Section 79. Section 373.043, Florida Statutes, is
 16 amended to read:

17 373.043 Adoption and enforcement of rules regulations
 18 by the department.--The department has authority to adopt
 19 rules pursuant to ss. 120.54 and 120.536(1)~~shall adopt,~~
 20 ~~promulgate, and enforce such regulations and review procedures~~
 21 ~~as may be necessary or convenient to~~ implement administer the
 22 provisions of this chapter.

23 Section 80. Section 373.044, Florida Statutes, is
 24 amended to read:

25 373.044 ~~Rules and regulations;~~ enforcement;
 26 availability of personnel rules.--~~In administering this~~
 27 ~~chapter,~~The governing board of the district is authorized to
 28 ~~make and adopt~~ rules pursuant to ss. 120.54 and 120.536(1) to
 29 implement the provisions of this chapter.~~reasonable rules,~~
 30 ~~regulations, and orders which are consistent with law; and~~
 31 ~~such Rules, regulations, and orders may be enforced by~~

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1 mandatory injunction or other appropriate action in the courts
2 of the state. Rules relating to personnel matters shall be
3 made available to the public and affected persons at no more
4 than cost but need not be published in the Florida
5 Administrative Code or the Florida Administrative Weekly.

6 Section 81. Section 373.113, Florida Statutes, is
7 amended to read:

8 373.113 Adoption of rules ~~regulations~~ by the governing
9 board.--In administering the provisions of this chapter the
10 governing board has authority to adopt rules pursuant to ss.
11 120.54 and 120.536(1) to implement provisions of law
12 conferring powers or duties upon it ~~shall adopt, promulgate,~~
13 ~~and enforce such regulations as may be reasonably necessary to~~
14 ~~effectuate its powers, duties, and functions pursuant to the~~
15 ~~provisions of chapter 120.~~

16 Section 82. Section 373.171, Florida Statutes, is
17 amended to read:

18 373.171 Rules ~~and regulations~~.--

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

25 (a) Adopt ~~Establish~~ rules, ~~regulations,~~ or issue
26 orders affecting the use of water, as conditions warrant, and
27 forbidding the construction of new diversion facilities or
28 wells, the initiation of new water uses, or the modification
29 of any existing uses, diversion facilities, or storage
30 facilities within the affected area.

31 (b) Regulate the use of water within the affected area

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1 by apportioning, limiting, or rotating uses of water or by
2 preventing those uses which the governing board finds have
3 ceased to be reasonable or beneficial.

4 (c) Issue orders and adopt rules pursuant to ss.
5 120.54 and 120.536(1) to implement the provisions of this
6 chapter ~~Make other rules, regulations, and orders necessary~~
7 ~~for the preservation of the interests of the public and of~~
8 ~~affected water users.~~

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

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

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

23 Section 83. Section 373.337, Florida Statutes, is
24 amended to read:

25 373.337 Rules.--The department shall, ~~by July 1, 1989,~~
26 adopt rules pursuant to ss. 120.54 and 120.536(1)to implement
27 the provisions of this part, providing each water management
28 district and representatives of the water well contracting
29 industry with meaningful opportunity to participate in the
30 development of the rules as they are drafted. The rules shall
31 be adopted by each water management district.

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1 Section 84. Subsection (3) of section 373.418, Florida
2 Statutes, is amended to read:

3 373.418 Rulemaking; preservation of existing
4 authority.--

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

12 Section 85. Section 376.07, Florida Statutes, is
13 amended to read:

14 376.07 Regulatory powers of department; penalties for
15 inadequate booming by terminal facilities.--~~The department~~
16 ~~shall from time to time adopt, amend, repeal, and enforce~~
17 ~~reasonable rules insofar as they relate to discharges of~~
18 ~~pollutants into the waters of this state or onto the coasts of~~
19 ~~this state.~~

20 (1) The department shall adopt rules pursuant to ss.
21 120.54 and 120.536(1) to implement ss. 376.011-376.21 rules
22 ~~shall be adopted in accordance with the Administrative~~
23 ~~Procedure Act, chapter 120.~~

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

26 (a) Operation and inspection requirements for
27 discharge prevention, abatement, and cleanup capabilities of
28 terminal facilities and vessels, and other matters relating to
29 certification under ss. 376.011-376.21.

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

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

4 (d) Development and implementation of criteria and
5 plans to meet pollution occurrences of various degrees and
6 kinds.

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

30 (f) Requirements for minimum weather and sea
31 conditions for permitting a vessel to enter port and for the

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1 safety and operation of vessels, barges, tugs, motor vehicles,
2 motorized equipment, and other equipment relating to the use
3 and operation of terminals, facilities, and refineries, the
4 approach and departure from terminals, facilities, and
5 refineries, and requirements that containment gear approved by
6 the department be on hand and maintained by terminal
7 facilities and refineries with adequate personnel trained in
8 its use.

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

12 1. Any discharges of pollutants the vessel has had
13 since leaving the last port.

14 2. Any mechanical problem on the vessel which creates
15 the possibility of a discharge.

16 3. Any denial of entry into any port during the
17 current cruise of the vessel.

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

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

31 (3) The department shall not require vessels to

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

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

21 (b) Any person cited for an infraction under this
22 section may:

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

28
29 The officer authorized to issue these citations may indicate
30 on the citation the time and location of the scheduled hearing
31 and shall indicate the applicable civil penalty.

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

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

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

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

11

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

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

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

31 (g) Any person who has not posted bond and who fails

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1 either to pay the civil penalty specified in paragraph (a)
2 within 30 days after receipt of the citation or to appear
3 before the court commits a misdemeanor of the second degree,
4 punishable as provided in s. 775.082 or s. 775.083.

5 Section 86. Section 377.22, Florida Statutes, is
6 amended to read:

7 377.22 Rules, ~~regulations,~~ and orders.--

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

11 (2) The department shall ~~adopt such rules and~~
12 ~~regulations, and shall issue such orders~~ and adopt rules
13 pursuant to ss. 120.54 and 120.536(1) to implement and enforce
14 the provisions of, ~~governing all phases of the exploration,~~
15 ~~drilling, and production of oil, gas, or other petroleum~~
16 ~~products in the state, including exploration, drilling, and~~
17 ~~production in the offshore waters of the state as may be~~
18 ~~necessary for the proper administration and enforcement of~~
19 this chapter. Such rules, ~~regulations,~~ and orders shall
20 ensure that all precautions are taken to prevent the spillage
21 of oil or any other pollutant in all phases of the drilling
22 for, and extracting of, oil, gas, or other petroleum products.
23 The department shall revise such rules ~~and regulations~~ from
24 time to time as ~~may be~~ necessary for the proper administration
25 and enforcement of this chapter. Rules adopted, ~~regulations,~~
26 and orders issued ~~promulgated~~ in accordance with this section
27 shall be for, but shall not be limited to, the following
28 purposes:

29 (a) To require the drilling, casing, and plugging of
30 wells to be done in such a manner as to prevent the pollution
31 of the fresh, salt, or brackish waters or the lands of the

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1 state.

2 (b) To prevent the alteration of the sheet flow of
3 water in any area.

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

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

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

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

23 (g) To require and carry out a reasonable program of
24 monitoring or inspection of all drilling operations or
25 producing wells, including regular inspections by division
26 personnel.

27 (h) To require the making of reports showing the
28 location of all oil and gas wells; the making and filing of
29 logs; the taking and filing of directional surveys; the filing
30 of electrical, sonic, radioactive, and mechanical logs of oil
31 and gas wells; if taken, the saving of cutting and cores, the

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1 cuts of which shall be given to the Bureau of Geology; and the
2 making of reports with respect to drilling and production
3 records. However, such information, or any part thereof, at
4 the request of the operator, shall be exempt from the
5 provisions of s. 119.07(1) and held confidential by the
6 division for a period of 1 year after the completion of a
7 well.

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

11 (j) To prevent the drowning by water of any stratum,
12 or part thereof, capable of producing oil or gas in paying
13 quantities and to prevent the premature and irregular
14 encroachment of water which reduces, or tends to reduce, the
15 total ultimate recovery of oil or gas from any pool.

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

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

21 (m) To prevent fires.

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

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

27 (p) To regulate secondary recovery methods, including
28 the introduction of gas, air, water, or other substance into
29 producing formations.

30 (q) To regulate gas cycling operations.

31 (r) If necessary for the prevention of waste, as

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1 herein defined, to determine, limit, and prorate the
2 production of oil or gas, or both, from any pool or field in
3 the state.

4 (s) To require, either generally or in or from
5 particular areas, certificates of clearance or tenders in
6 connection with the transportation or delivery of oil or gas,
7 or any product.

8 (t) To regulate the spacing of wells and to establish
9 drilling units.

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

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

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

19 (x) To act in a receivership capacity for fractional
20 mineral interests for which the owners are unknown or
21 unlocated and to administratively designate the operator as
22 the lessee.

23 Section 87. Paragraph (g) of subsection (3) of section
24 377.703, Florida Statutes, is amended to read:

25 377.703 Additional functions of the Department of
26 Community Affairs; energy emergency contingency plan; federal
27 and state conservation programs.--

28 (3) DEPARTMENT OF COMMUNITY AFFAIRS; DUTIES.--The
29 Department of Community Affairs shall, in addition to assuming
30 the duties and responsibilities provided by ss. 20.18 and
31 377.701, perform the following functions consistent with the

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1 development of a state energy policy:

2 (g) The department has authority to adopt rules
3 pursuant to ss. 120.54 and 120.536(1) to implement the
4 provisions of ~~is authorized to make any rules or regulations~~
5 ~~pursuant to chapter 120 as are necessary to carry out the~~
6 ~~purposes of~~ this act.

7 Section 88. Paragraph (d) of subsection (1) of section
8 378.205, Florida Statutes, is amended to read:

9 378.205 Administration; powers and duties of the
10 department; agency review responsibility.--

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

13 (d) To adopt ~~those~~ rules pursuant to ss. 120.54 and
14 120.536(1) ~~necessary~~ to implement the provisions of ~~administer~~
15 this part.

16 Section 89. Subsection (1) of section 378.404, Florida
17 Statutes, is amended to read:

18 378.404 Department of Environmental Protection; powers
19 and duties.--The department shall have the following powers
20 and duties:

21 (1) To adopt rules pursuant to ss. 120.54 and
22 120.536(1) ~~procedural rules~~ to implement the provisions of
23 this part.

24 Section 90. Paragraph (c) of subsection (22) of
25 section 380.05, Florida Statutes, is amended to read:

26 380.05 Areas of critical state concern.--

27 (22) All state agencies with rulemaking authority for
28 programs that affect a designated area of critical state
29 concern shall review those programs for consistency with the
30 purpose of the designation and principles for guiding
31 development, and shall adopt specific permitting standards and

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1 criteria applicable in the designated area, or otherwise amend
2 the program, as necessary to further the purpose of the
3 designation.

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

7 Section 91. Paragraph (f) of subsection (4) of section
8 380.0651, Florida Statutes, is amended to read:

9 380.0651 Statewide guidelines and standards.--

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

15 (f) ~~Pursuant to chapter 120,~~The state land planning
16 agency has authority to adopt rules pursuant to ss. 120.54 and
17 120.536(1) to implement the provisions of ~~shall adopt rules as~~
18 ~~necessary to implement~~ this subsection.

19 Section 92. Subsection (13) of section 381.0011,
20 Florida Statutes, is amended to read:

21 381.0011 Duties and powers of the Department of
22 Health.--It is the duty of the Department of Health to:

23 (13) ~~Adopt, repeal, and amend~~ rules pursuant to ss.
24 120.54 and 120.536(1) to implement the provisions of law
25 conferring duties upon it consistent with law. This
26 subsection does not authorize the department to require a
27 permit or license unless such requirement is specifically
28 provided by law.

29 Section 93. Section 384.33, Florida Statutes, is
30 amended to read:

31 384.33 Rules.--The department may adopt rules pursuant

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

3 Section 94. Subsection (12) of section 391.026,
4 Florida Statutes, is amended to read:

5 391.026 Powers and duties of the department.--To
6 administer its programs of children's medical services, the
7 department shall have the following powers, duties, and
8 responsibilities:

9 (12) To adopt rules pursuant to ss. 120.54 and
10 120.536(1) to implement ~~make rules to carry out~~ the provisions
11 of this act.

12 Section 95. Section 392.66, Florida Statutes, is
13 amended to read:

14 392.66 Rules.--The department shall adopt rules
15 pursuant to ss. 120.54 and 120.536(1)to implement ~~carry out~~
16 the provisions of this chapter.

17 Section 96. Subsection (1) of section 394.879, Florida
18 Statutes, is amended to read:

19 394.879 Rules; enforcement.--

20 (1) The department shall adopt ~~reasonable~~ rules
21 pursuant to ss. 120.54 and 120.536(1)to implement the
22 provisions of this chapter, including, at a minimum, rules
23 providing standards to ensure that:

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

27 (b) Adequate space is provided each client of a
28 licensed facility.

29 (c) Licensed facilities are limited to an appropriate
30 number of beds.

31 (d) Each licensee establishes and implements adequate

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1 infection control, housekeeping, sanitation, disaster
2 planning, and medical recordkeeping.

3 (e) Licensed facilities are established, organized,
4 and operated in accordance with programmatic standards of the
5 department.

6 Section 97. Subsection (1) of section 395.1055,
7 Florida Statutes, is amended to read:

8 395.1055 Rules and enforcement.--

9 (1) The agency shall adopt, ~~amend, promulgate, and~~
10 ~~enforce~~ rules pursuant to ss. 120.54 and 120.536(1) to

11 implement the provisions of this part, which shall include
12 reasonable and fair minimum standards for ensuring that:

13 (a) Sufficient numbers and qualified types of
14 personnel and occupational disciplines are on duty and
15 available at all times to provide necessary and adequate
16 patient care and safety.

17 (b) Infection control, housekeeping, sanitary
18 conditions, and medical record procedures that will adequately
19 protect patient care and safety are established and
20 implemented.

21 (c) A comprehensive emergency management plan is
22 prepared and updated annually. Such standards must be
23 included in the rules adopted by the agency after consulting
24 with the Department of Community Affairs. At a minimum, the
25 rules must provide for plan components that address emergency
26 evacuation transportation; adequate sheltering arrangements;
27 postdisaster activities, including emergency power, food, and
28 water; postdisaster transportation; supplies; staffing;
29 emergency equipment; individual identification of residents
30 and transfer of records, and responding to family inquiries.

31 The comprehensive emergency management plan is subject to

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1 review and approval by the local emergency management agency.
2 During its review, the local emergency management agency shall
3 ensure that the following agencies, at a minimum, are given
4 the opportunity to review the plan: the Department of Elderly
5 Affairs, the Department of Health and Rehabilitative Services,
6 the Agency for Health Care Administration, and the Department
7 of Community Affairs. Also, appropriate volunteer
8 organizations must be given the opportunity to review the
9 plan. The local emergency management agency shall complete
10 its review within 60 days and either approve the plan or
11 advise the facility of necessary revisions.

12 (d) Facilities are structurally capable of serving as
13 shelters and equipped to be self-supporting during and
14 immediately following disasters.

15 (e) Construction, maintenance, repair, lifesafety, and
16 renovation of licensed facilities are governed by the most
17 recently adopted, nationally recognized lifesafety code,
18 except as may be specifically modified by rule.

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

21 (g) Licensed facility beds conform to minimum space,
22 equipment, and furnishings standards as specified by the
23 department.

24 (h) All hospitals submit such data as necessary to
25 conduct certificate-of-need reviews required under ss.
26 408.031-408.045. Such data shall include, but shall not be
27 limited to, patient origin data, hospital utilization data,
28 type of service reporting, and facility staffing data. The
29 agency shall not collect data that identifies or could
30 disclose the identity of individual patients. The agency shall
31 utilize existing uniform statewide data sources when available

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1 and shall minimize reporting costs to hospitals.

2 (i) Each hospital has a quality improvement program
3 designed according to standards established by their current
4 accrediting organization. This program will enhance quality of
5 care and emphasize quality patient outcomes, corrective action
6 for problems, governing board review, and reporting to the
7 agency of standardized data elements necessary to analyze
8 quality of care outcomes. The agency shall use existing data,
9 when available, and shall not duplicate the efforts of other
10 state agencies in order to obtain such data.

11 Section 98. Subsection (7) of section 403.061, Florida
12 Statutes, is amended to read:

13 403.061 Department; powers and duties.--The department
14 shall have the power and the duty to control and prohibit
15 pollution of air and water in accordance with the law and
16 rules adopted and promulgated by it and, for this purpose, to:

17 (7) Adopt rules pursuant to ss. 120.54 and 120.536(1)
18 ~~to implement the provisions of, modify, and repeal rules and~~
19 ~~regulations to carry out the intent and purposes of this act.~~
20 Any rule ~~or regulation~~ adopted pursuant to this act shall be
21 consistent with the provisions of federal law, if any,
22 relating to control of emissions from motor vehicles, effluent
23 limitations, pretreatment requirements, or standards of
24 performance. No county, municipality, or political subdivision
25 shall adopt or enforce any local ordinance, special law, or
26 local regulation requiring the installation of Stage II vapor
27 recovery systems, as currently defined by department rule,
28 unless such county, municipality, or political subdivision is
29 or has been in the past designated by federal regulation as a
30 moderate, serious, or severe ozone nonattainment area. Rules
31 adopted pursuant to this act shall not require dischargers of

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1 waste into waters of the state to improve natural background
2 conditions. Discharges from steam electric generating plants
3 existing or licensed under this chapter on July 1, 1984, shall
4 not be required to be treated to a greater extent than may be
5 necessary to assure that the quality of nonthermal components
6 of discharges from nonrecirculated cooling water systems is as
7 high as the quality of the makeup waters; that the quality of
8 nonthermal components of discharges from recirculated cooling
9 water systems is no lower than is allowed for blowdown from
10 such systems; or that the quality of noncooling system
11 discharges which receive makeup water from a receiving body of
12 water which does not meet applicable department water quality
13 standards is as high as the quality of the receiving body of
14 water. The department may not adopt standards more stringent
15 than federal regulations, except as provided in s. 403.804.

16

17 The department shall implement such programs in conjunction
18 with its other powers and duties and shall place special
19 emphasis on reducing and eliminating contamination that
20 presents a threat to humans, animals or plants, or to the
21 environment.

22 Section 99. Paragraph (a) of subsection (5) and
23 subsection (10) of section 403.1835, Florida Statutes, are
24 amended to read:

25 403.1835 Sewage treatment facilities revolving loan
26 program.--

27 (5)(a) The department has authority to adopt rules
28 pursuant to ss. 120.54 and 120.536(1) to implement the
29 provisions of ~~is authorized to make rules necessary to carry~~
30 ~~out the purpose of~~ this section, including rules to administer
31 the state revolving fund authorized pursuant to the Federal

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1 Water Pollution Control Act, as amended.

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

15 ~~(b) The department may adopt rules necessary to~~
16 ~~administer this section.~~

17 Section 100. Subsection (1) of section 403.504,
18 Florida Statutes, is amended to read:

19 403.504 Department of Environmental Protection; powers
20 and duties enumerated.--The department shall have the
21 following powers and duties in relation to this act:

22 (1) To adopt, ~~promulgate, or amend reasonable~~ rules
23 pursuant to ss. 120.54 and 120.536(1) to implement the
24 provisions of this act, including rules setting forth
25 environmental precautions to be followed in relation to the
26 location and operation of electrical power plants.

27 Section 101. Subsection (1) of section 403.523,
28 Florida Statutes, is amended to read:

29 403.523 Department of Environmental Protection; powers
30 and duties.--The department shall have the following powers
31 and duties:

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

5 Section 102. Subsection (15) of section 403.704,
6 Florida Statutes, is amended to read:

7 403.704 Powers and duties of the department.--The
8 department shall have responsibility for the implementation
9 and enforcement of the provisions of this act. In addition to
10 other powers and duties, the department shall:

11 (15) ~~Adopt, repeal, or amend~~ rules pursuant to ss.
12 120.54 and 120.536(1) to implement, ~~administer,~~ and enforce
13 the provisions of this act, including requirements for the
14 classification, construction, operation, maintenance, and
15 closure of solid waste management facilities and requirements
16 for, and conditions on, solid waste disposal in this state,
17 whether such solid waste is generated within this state or
18 outside this state as long as such requirements and conditions
19 are not based on the out-of-state origin of the waste and are
20 consistent with applicable provisions of law. When classifying
21 solid waste management facilities, the department shall
22 consider the hydrogeology of the site for the facility, the
23 types of wastes to be handled by the facility, and methods
24 used to control the types of waste to be handled by the
25 facility and shall seek to minimize the adverse effects of
26 solid waste management on the environment. Whenever the
27 department adopts any rule stricter or more stringent than one
28 which has been set by the United States Environmental
29 Protection Agency, the procedures set forth in s. 403.804(2)
30 shall be followed. The department shall not, however, adopt
31 hazardous waste rules for solid waste for which special

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1 studies were required prior to October 1, 1988, under s. 8002
 2 of the Resource Conservation and Recovery Act, 42 U.S.C. s.
 3 6982, as amended, until the studies are completed by the
 4 United States Environmental Protection Agency and the
 5 information is available to the department for consideration
 6 in adopting its own rule.

7 Section 103. Subsection (4) of section 403.716,
 8 Florida Statutes, is amended to read:

9 403.716 Training of operators of solid waste
 10 management and other facilities.--

11 (4) The department has authority to ~~may~~ adopt ~~rules~~
 12 ~~and~~ minimum standards and other rules pursuant to ss. 120.54
 13 and 120.536(1) to implement ~~to effectuate~~ the provisions of
 14 this section. The department shall ~~and to~~ ensure the safe,
 15 healthy, and lawful operation of solid waste management
 16 facilities in this state. The department may establish by
 17 rule various classifications for operators to cover the need
 18 for differing levels of training required to operate various
 19 types of solid waste management facilities due to different
 20 operating requirements at such facilities.

21 Section 104. Subsection (1) of section 403.805,
 22 Florida Statutes, is amended to read:

23 403.805 Secretary; powers and duties.--

24 (1) The secretary shall have the powers and duties of
 25 heads of departments set forth in chapter 20, including the
 26 authority ~~power~~ to adopt rules pursuant to ss. 120.54 and
 27 120.536(1) to implement the provisions of ~~under~~ chapters 253,
 28 373, and 376, ~~and~~ this chapter. The secretary shall have
 29 rulemaking responsibility under chapter 120, but shall submit
 30 any proposed rule containing standards to the Environmental
 31 Regulation Commission for approval, modification, or

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1 disapproval pursuant to s. 403.804. The secretary shall
 2 employ legal counsel to represent the department in matters
 3 affecting the department. Except for appeals on permits
 4 specifically assigned by this act to the Governor and Cabinet,
 5 and unless otherwise prohibited by law, the secretary may
 6 delegate the authority assigned to the department by this act
 7 to the assistant secretary, division directors, and district
 8 and branch office managers and to the water management
 9 districts.

10 Section 105. Subsection (9) of section 403.861,
 11 Florida Statutes, is amended to read:

12 403.861 Department; powers and duties.--The department
 13 shall have the power and the duty to carry out the provisions
 14 and purposes of this act and, for this purpose, to:

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

19 Section 106. Section 403.869, Florida Statutes, is
 20 amended to read:

21 403.869 Authority to adopt rules.--The department may
 22 adopt rules pursuant to ss. 120.54 and 120.536(1) ~~necessary~~ to
 23 implement ~~carry out~~ the provisions of ss. 403.865-403.876.

24 Section 107. Subsection (1) of section 403.9404,
 25 Florida Statutes, is amended to read:

26 403.9404 Department of Environmental Protection;
 27 powers and duties.--The Department of Environmental Protection
 28 shall have the following powers and duties:

29 (1) To adopt ~~or amend reasonable~~ procedural rules
 30 pursuant to ss. 120.54 and 120.536(1) to implement the
 31 provisions of ss. 403.9401-403.9425 and to adopt ~~or amend~~

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1 rules to implement the provisions of subsection (8).

2 Section 108. Section 406.04, Florida Statutes, is
3 amended to read:

4 406.04 ~~Rules and regulations.~~--The commission shall
5 adopt rules pursuant to ss. 120.54 and 120.536(1) to implement
6 the provisions of ~~promulgate rules and regulations, pursuant~~
7 ~~to chapter 120, necessary to effectuate~~ this chapter. The
8 commission shall ~~and to~~ ensure minimum and uniform standards
9 of excellence, performance of duties, and maintenance of
10 records so as to provide useful and adequate information to
11 the state in regard to causative factors of those deaths
12 investigated.

13 Section 109. Subsection (8) of section 408.15, Florida
14 Statutes, is amended to read:

15 408.15 Powers of the agency.--In addition to the
16 powers granted to the agency elsewhere in this chapter, the
17 agency is authorized to:

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

21 Section 110. Section 414.45, Florida Statutes, is
22 amended to read:

23 414.45 Rulemaking.--The department has authority to
24 ~~may adopt, amend, or repeal~~ rules pursuant to ss. 120.54 and
25 120.536(1), as provided in chapter 120,to implement and,
26 enforce the provisions of, ~~and interpret~~ this chapter. The
27 Department of Labor and Employment Security may adopt, ~~amend,~~
28 ~~or repeal~~ rules pursuant to ss. 120.54 and 120.536(1), as
29 ~~provided in chapter 120,~~ to implement and,enforce the
30 provisions of, ~~and interpret~~ this chapter. The rules must
31 provide protection against discrimination and the opportunity

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1 for a participant to request a review by a supervisor or
 2 administrator of any decision made by a panel or board of the
 3 department, the Department of Labor and Employment Security,
 4 or the WAGES Program.

5 Section 111. Subsection (10) of section 427.013,
 6 Florida Statutes, is amended to read:

7 427.013 The Commission for the Transportation
 8 Disadvantaged; purpose and responsibilities.--The purpose of
 9 the commission is to accomplish the coordination of
 10 transportation services provided to the transportation
 11 disadvantaged. The goal of this coordination shall be to
 12 assure the cost-effective provision of transportation by
 13 qualified community transportation coordinators or
 14 transportation operators for the transportation disadvantaged
 15 without any bias or presumption in favor of multioperator
 16 systems or not-for-profit transportation operators over single
 17 operator systems or for-profit transportation operators. In
 18 carrying out this purpose, the commission shall:

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

22 Section 112. Section 430.08, Florida Statutes, is
 23 amended to read:

24 430.08 Rulemaking.--The department shall adopt, ~~amend,~~
 25 ~~or rescind such~~ rules pursuant to ss. 120.54 and 120.536(1) to
 26 implement as it deems necessary to carry out the provisions of
 27 this chapter.

28 Section 113. Section 440.591, Florida Statutes, is
 29 amended to read:

30 440.591 Administrative procedure; rulemaking
 31 authority.--The division has authority to adopt rules pursuant

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1 to ss. 120.54 and 120.536(1) to implement the provisions of
 2 ~~shall have the authority to adopt rules to govern the~~
 3 ~~performance of any programs, duties, or responsibilities with~~
 4 ~~which it is charged under this chapter~~ conferring duties upon
 5 it.

6 Section 114. Paragraph (a) of subsection (2) of
 7 section 443.171, Florida Statutes, is amended to read:

8 443.171 Division and commission; powers and duties;
 9 rules; advisory council; records and reports.--

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

11 (a) The division has authority to adopt rules pursuant
 12 to ss. 120.54 and 120.536(1) to implement the provisions of
 13 ~~shall have the power and authority to adopt, amend, or rescind~~
 14 ~~such rules as are necessary for the administration of this~~
 15 ~~chapter.~~

16 Section 115. Subsection (5) of section 455.203,
 17 Florida Statutes, is amended to read:

18 455.203 Department; powers and duties.--The
 19 department, for the boards under its jurisdiction, shall:

20 (5) Adopt ~~all~~ rules pursuant to ss. 120.54 and
 21 120.536(1)~~necessary~~ to implement the provisions of ~~administer~~
 22 ~~this part.~~

23 Section 116. Subsection (5) of section 455.521,
 24 Florida Statutes, is amended to read:

25 455.521 Department; powers and duties.--The
 26 department, for the boards under its jurisdiction, shall:

27 (5) Adopt ~~all~~ rules pursuant to ss. 120.54 and
 28 120.536(1)~~necessary~~ to implement the provisions of ~~administer~~
 29 ~~this part.~~

30 Section 117. Section 457.104, Florida Statutes, is
 31 amended to read:

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

7 Section 118. Subsection (1) of section 458.309,
 8 Florida Statutes, is amended to read:

9 458.309 Authority to make rules.--

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

17 Section 119. Section 459.005, Florida Statutes, is
 18 amended to read:

19 459.005 Authority to make rules.--The board has
 20 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
 21 to implement the provisions of ~~is authorized to make such~~
 22 ~~rules not inconsistent with law as may be necessary to carry~~
 23 ~~out the duties and authority conferred upon the board by this~~
 24 ~~chapter~~ conferring duties upon it and ~~as may be necessary to~~
 25 ~~protect the health, safety, and welfare of the public.~~

26 Section 120. Section 460.405, Florida Statutes, is
 27 amended to read:

28 460.405 Authority to make rules.--The Board of
 29 Chiropractic has authority to adopt rules pursuant to ss.
 30 120.54 and 120.536(1) to implement the provisions of ~~is~~
 31 ~~authorized to make such rules not inconsistent with law as are~~

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

3 Section 121. Section 461.005, Florida Statutes, is
4 amended to read:

5 461.005 Authority to make rules.--The Board of
6 Podiatric Medicine has authority to adopt rules pursuant to
7 ss. 120.54 and 120.536(1) to implement the provisions of ~~is~~
8 ~~authorized to make such rules not inconsistent with law as are~~
9 ~~necessary to carry out the duties and authority conferred upon~~
10 ~~the board by this chapter conferring duties upon it and as may~~
11 ~~be necessary to protect the health, safety, and welfare of the~~
12 ~~public.~~

13 Section 122. Subsection (1) of section 463.005,
14 Florida Statutes, is amended to read:

15 463.005 Authority of the board.--

16 (1) The Board of Optometry has authority to adopt
17 rules pursuant to ss. 120.54 and 120.536(1) to implement the
18 provisions of ~~is~~ authorized to make such rules not
19 ~~inconsistent with law as are necessary to carry out the duties~~
20 ~~and authority conferred upon the board by this chapter~~
21 conferring duties upon it. Such rules shall include, but not
22 be limited to, rules relating to:

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

25 (b) Minimum equipment which a licensed practitioner
26 shall at all times possess to engage in the practice of
27 optometry.

28 (c) Minimum procedures which shall constitute a visual
29 examination.

30 (d) Procedures for the safekeeping and transfer of
31 prescription files or case records upon the discontinuance of

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1 practice.

2 (e) Supervision of supportive personnel.

3 (f) Courses and procedures for continuing education.

4 (g) Administration and prescription of topical ocular
5 pharmaceutical agents.

6 Section 123. Section 464.006, Florida Statutes, is
7 amended to read:

8 464.006 Authority to make rules.--The Board of Nursing
9 has authority to adopt rules pursuant to ss. 120.54 and
10 120.536(1) to implement the provisions of ~~is authorized to~~
11 ~~make such rules not inconsistent with law as are necessary to~~
12 ~~carry out the duties and authority conferred upon the board by~~
13 this chapter conferring duties upon it.

14 Section 124. Section 465.005, Florida Statutes, is
15 amended to read:

16 465.005 Authority to make rules.--The Board of
17 Pharmacy has authority to adopt rules pursuant to ss. 120.54
18 and 120.536(1) to implement the provisions of ~~is authorized to~~
19 ~~make such rules not inconsistent with law as are necessary to~~
20 ~~carry out the duties and authority conferred upon the board by~~
21 this chapter conferring duties upon it.

22 Section 125. Subsection (1) of section 465.022,
23 Florida Statutes, is amended to read:

24 465.022 Pharmacies; general requirements; fees.--

25 (1) The board shall adopt ~~such~~ rules pursuant to ss.
26 120.54 and 120.536(1) to implement the provisions of this
27 chapter ~~relating to pharmacies as are necessary to protect the~~
28 ~~public health, safety, and welfare.~~ Such rules shall include,
29 but shall not be limited to, rules relating to:

30 (a) General drug safety measures.

31 (b) Minimum standards for the physical facilities of

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1 pharmacies.

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

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

5 (e) Procedures for the safe storage and handling of
6 radioactive drugs.

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

9 (g) Procedures for transfer of prescription files and
10 medicinal drugs upon the change of ownership or closing of a
11 pharmacy.

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

14 Section 126. Subsection (4) of section 466.004,
15 Florida Statutes, is amended to read:

16 466.004 Board of Dentistry.--

17 (4) The board is authorized to adopt ~~all~~ rules
18 pursuant to ss. 120.54 and 120.536(1)~~necessary~~ to implement
19 ~~carry out~~ the provisions of this chapter and chapter 455,
20 including the establishment of a fee to defray the cost of
21 duplicating any license certification or permit, not to exceed
22 \$10 per duplication.

23 Section 127. Section 466.038, Florida Statutes, is
24 amended to read:

25 466.038 Rules.--The department ~~may~~, upon consultation
26 with the Board of Dentistry and industry representatives of
27 the dental laboratory profession, has authority to adopt rules
28 pursuant to ss. 120.54 and 120.536(1)~~promulgate all rules~~
29 ~~necessary~~ to enforce the provisions of this chapter pertaining
30 to and regulating dental laboratories.

31 Section 128. Section 467.005, Florida Statutes, is

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1 amended to read:

2 467.005 Authority to make rules.--The department has
3 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
4 to implement the provisions of ~~is authorized to promulgate~~
5 ~~such rules not inconsistent with law as may be necessary to~~
6 ~~carry out the duties and authority conferred on the department~~
7 ~~by this chapter~~ conferring duties upon it ~~and as may be~~
8 ~~necessary to protect the health, safety, and welfare of the~~
9 ~~public.~~ The rules shall include, but not be limited to, the
10 allowable scope of midwifery practice regarding use of
11 equipment, procedures, and medication.

12 Section 129. Paragraph (a) of subsection (4) of
13 section 468.1135, Florida Statutes, is amended to read:

14 468.1135 Board of Speech-Language Pathology and
15 Audiology.--

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

22 Section 130. Subsection (1) of section 468.1685,
23 Florida Statutes, is amended to read:

24 468.1685 Powers and duties of board and
25 department.--It is the function and duty of the board,
26 together with the department, to:

27 (1) Adopt rules pursuant to ss. 120.54 and 120.536(1)
28 to implement the provisions of ~~Make such rules not~~
29 ~~inconsistent with law as are necessary to carry out the duties~~
30 ~~and authority conferred upon the board by this part~~ conferring
31 duties upon the board.

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1 Section 131. Section 468.204, Florida Statutes, is
2 amended to read:

3 468.204 Authority to adopt rules.--The board has
4 authority to may adopt such rules pursuant to ss. 120.54 and
5 120.536(1) to implement the provisions of not inconsistent
6 with law as may be necessary to carry out the duties and
7 authority conferred upon the board by this part conferring
8 duties upon it and as may be necessary to protect the health,
9 safety, and welfare of the public.

10 Section 132. Subsection (2) of section 468.384,
11 Florida Statutes, is amended to read:

12 468.384 Florida Board of Auctioneers.--
13 (2) The board has authority to may adopt such rules
14 pursuant to ss. 120.54 and 120.536(1) to implement the
15 provisions of, not inconsistent with law, as may be necessary
16 to carry out the duties and authority conferred upon the board
17 by this act conferring duties upon it and as may be necessary
18 to protect the health, safety, and welfare of the public.

19 Section 133. Subsection (3) of section 468.402,
20 Florida Statutes, is amended to read:

21 468.402 Duties of the department; authority to issue
22 and revoke license; adoption of rules.--
23 (3) The department has authority to may adopt
24 reasonable rules pursuant to ss. 120.54 and 120.536(1) to
25 implement the provisions of for its own government in the
26 exercise of its powers under this part and for the conduct of
27 the business of talent agencies as specified by this part, and
28 the department may amend such rules at its pleasure.

29 Section 134. Section 468.507, Florida Statutes, is
30 amended to read:

31 468.507 Authority to adopt rules.--The board has

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1 authority to may adopt such rules pursuant to ss. 120.54 and
2 120.536(1) to implement the provisions of not inconsistent
3 with law as may be necessary to carry out the duties and
4 authority conferred upon the board by this part and chapter
5 455 conferring duties upon it. The powers and duties of the
6 board as set forth in this part shall in no way limit or
7 interfere with the powers and duties of the board as set forth
8 in chapter 458. All powers and duties of the board set forth
9 in this part shall be supplemental and additional powers and
10 duties to those conferred upon the board by chapter 458.

11 Section 135. Section 468.522, Florida Statutes, is
12 amended to read:

13 468.522 Rules of the board.--The board has authority
14 to shall adopt all rules pursuant to ss. 120.54 and 120.536(1)
15 necessary to implement the provisions of administer this part.
16 Every licensee shall be governed and controlled by this part
17 and the rules adopted by the board.

18 Section 136. Subsection (1) of section 468.606,
19 Florida Statutes, is amended to read:

20 468.606 Authority of the board.--The board is
21 authorized to:

22 (1) Adopt rules pursuant to ss. 120.54 and 120.536(1)
23 as necessary to implement carry out the provisions of this
24 part.

25 Section 137. Section 468.705, Florida Statutes, is
26 amended to read:

27 468.705 Rulemaking authority.--The department is
28 authorized to adopt such rules pursuant to ss. 120.54 and
29 120.536(1) to implement provisions of not inconsistent with
30 law as may be necessary to carry out the duties and authority
31 conferred on the department by this part conferring duties

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1 ~~upon it and as may be necessary to protect the health, safety,~~
 2 ~~and welfare of the public.~~ Such rules shall include, but not
 3 be limited to, the allowable scope of practice regarding the
 4 use of equipment, procedures, and medication.

5 Section 138. Section 468.802, Florida Statutes, is
 6 amended to read:

7 468.802 Authority to adopt rules.--The board shall
 8 adopt rules pursuant to ss. 120.54 and 120.536(1) to implement
 9 the provisions of administer this act, including rules
 10 relating to standards of practice for orthotists,
 11 prosthetists, and pedorthists.

12 Section 139. Subsection (1) of section 470.005,
 13 Florida Statutes, is amended to read:

14 470.005 Rulemaking authority of board and
 15 department.--

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

29 Section 140. Section 471.008, Florida Statutes, is
 30 amended to read:

31 471.008 Rules of the board.--The board has authority

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1 to may adopt such rules pursuant to ss. 120.54 and 120.536(1)
 2 to implement provisions of not inconsistent with law as may be
 3 necessary to carry out the duties and authority conferred upon
 4 the board by this chapter or chapter 455 conferring duties
 5 upon it.

6 Section 141. Section 472.008, Florida Statutes, is
 7 amended to read:

8 472.008 Rules of the board.--The board has authority
 9 to adopt rules pursuant to ss. 120.54 and 120.536(1) to
 10 implement the provisions of shall adopt such rules not
 11 inconsistent with law as may be necessary to carry out the
 12 duties and authority conferred upon the board by this chapter
 13 conferring duties upon it.

14 Section 142. Subsection (1) of section 473.304,
 15 Florida Statutes, is amended to read:

16 473.304 Rules of board; powers and duties; legal
 17 services.--

18 (1) The board shall adopt ~~all~~ rules pursuant to ss.
 19 120.54 and 120.536(1) necessary to implement the provisions of
 20 administer this act. Every licensee shall be governed and
 21 controlled by this act and the rules adopted by the board.

22 Section 143. Section 474.206, Florida Statutes, is
 23 amended to read:

24 474.206 Authority to make rules.--The board has
 25 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
 26 to implement the provisions of is authorized to make such
 27 rules not inconsistent with law as may be necessary to carry
 28 out the duties and authority conferred upon the board by this
 29 chapter conferring duties upon it and as may be necessary to
 30 protect the health, safety, and welfare of the public.

31 Section 144. Section 475.05, Florida Statutes, is

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

1 amended to read:

2 475.05 Power of commission to enact bylaws and rules,
3 ~~and regulations~~ and decide questions of practice.--The
4 commission may enact bylaws ~~and regulations~~ for its own
5 government and adopt rules pursuant to ss. 120.54 and
6 120.536(1) to implement the provisions of law conferring
7 powers or duties upon it ~~rules in the exercise of its powers,~~
8 ~~not in conflict with the constitution and laws of the United~~
9 ~~States or of this state, and amend the same at its pleasure.~~

10 The commission may decide questions of practice arising in the
11 proceedings before it, having regard to this chapter and the
12 rules then in force. Printed copies of rules, or written
13 copies under the seal of the commission, shall be prima facie
14 evidence of their existence and substance, and the courts
15 shall judicially notice such rules. ~~The conferral or~~
16 ~~enumeration of specific powers elsewhere in this chapter shall~~
17 ~~not be construed as a limitation of the general powers~~
18 ~~conferred by this section.~~

19 Section 145. Section 475.614, Florida Statutes, is
20 amended to read:

21 475.614 Power of board to adopt ~~enact~~ rules and decide
22 questions of practice.--The board has authority to adopt rules
23 pursuant to ss. 120.54 and 120.536(1) to implement provisions
24 of law conferring duties upon it ~~may enact rules for its own~~
25 ~~government and rules in the exercise of its powers, not in~~
26 ~~conflict with the constitutions and laws of the United States~~
27 ~~and this state, and may amend such rules at its pleasure. The~~
28 board may decide questions of practice arising in the
29 proceedings before it, having regard to this section and the
30 rules then in force.

31 Section 146. Subsection (4) of section 476.064,

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

1 Florida Statutes, is amended to read:

2 476.064 Organization; headquarters; personnel;
3 meetings.--

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

8 Section 147. Section 477.016, Florida Statutes, is
9 amended to read:

10 477.016 Rulemaking.--The board has authority to adopt
11 rules pursuant to ss. 120.54 and 120.536(1) to implement the
12 provisions of ~~is authorized to adopt such rules not~~
13 ~~inconsistent with law as may be necessary to carry out the~~
14 ~~duties and authority conferred upon the board by this chapter~~
15 ~~conferring duties upon it.~~

16 Section 148. Subsection (1) of section 478.43, Florida
17 Statutes, is amended to read:

18 478.43 Board of Medicine; powers and duties.--

19 (1) The board, with the assistance of the Electrolysis
20 Council, is authorized to establish minimum standards for the
21 delivery of electrolysis services and to adopt rules pursuant
22 to ss. 120.54 and 120.536(1) ~~necessary~~ to implement ~~administer~~
23 the provisions of this chapter.

24 Section 149. Subsection (7) of section 480.035,
25 Florida Statutes, is amended to read:

26 480.035 Board of Massage Therapy.--

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

31 Section 150. Section 481.2055, Florida Statutes, is

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1 amended to read:

2 481.2055 Authority to make rules.--The board has
3 authority to may adopt such rules pursuant to ss. 120.54 and
4 120.536(1) to implement provisions of, not inconsistent with
5 law, as may be necessary to carry out the duties and authority
6 conferred upon the board by this part and chapter 455
7 conferring duties upon it.

8 Section 151. Section 481.306, Florida Statutes, is
9 amended to read:

10 481.306 Authority to make rules.--The board has
11 authority to may adopt such rules pursuant to ss. 120.54 and
12 120.536(1) to implement the provisions of, not inconsistent
13 with law, as may be necessary to carry out the duties and
14 authority conferred upon the board by this chapter and chapter
15 455 conferring duties upon it.

16 Section 152. Section 482.051, Florida Statutes, is
17 amended to read:

18 482.051 Rules.--The department has authority to shall
19 adopt rules pursuant to ss. 120.54 and 120.536(1) to implement
20 the provisions of to carry out the intent and purpose of this
21 chapter. Prior to proposing the adoption of a rule, the
22 department shall counsel with members of the pest control
23 industry concerning the proposed rule. The department shall
24 adopt rules for the protection of the health, safety, and
25 welfare of pest control employees and the general public, in
26 conformity with this chapter and chapter 120, which require:

27 (1) That all pesticides or economic poisons be used
28 only in accordance with the registered labels and labeling or
29 as directed by the United States Environmental Protection
30 Agency or the department.

31 (2) That vehicles and trailers used in pest control be

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1 permanently marked with the licensee's name that is registered
2 with the department.

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

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

19 (5) That any pesticide used for preconstruction soil
20 treatments for the prevention of subterranean termites be
21 applied in the amount, concentration, and treatment area in
22 accordance with the label; that a copy of the label of the
23 registered pesticide being applied be carried in a vehicle at
24 the site where the pesticide is being applied; and that the
25 licensee maintain for 3 years the record of each
26 preconstruction soil treatment, indicating the date of
27 treatment, the location or address of the property treated,
28 the total square footage of the structure treated, the type of
29 pesticide applied, the concentration of each substance in the
30 mixture applied, and the total amount of pesticide applied.

31 Section 153. Subsection (4) of section 483.805,

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

1 Florida Statutes, is amended to read:

2 483.805 Board of Clinical Laboratory Personnel.--

3 (4) The board has authority to adopt rules pursuant to
4 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 154. Section 484.005, Florida Statutes, is
10 amended to read:

11 484.005 Authority to make rules.--The board has
12 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
13 to implement the provisions of is authorized to make such
14 rules not inconsistent with law as may be necessary to carry
15 out the duties and authority conferred upon it by this part
16 conferring duties upon it and as may be necessary to protect
17 the health, safety, and welfare of the public. Such rules
18 shall include, but not be limited to, rules relating to:

19 (1) A standard of practice for opticians licensed
20 pursuant to this part.

21 (2) Minimum equipment which shall be utilized to
22 prepare, fit, measure, and dispense lenses, spectacles,
23 eyeglasses, contact lenses, and other optical devices allowed
24 under the practice of opticianry.

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

28 (4) A standard of practice for filling prescriptions
29 for contact lenses and fitting, adapting, and dispensing
30 contact lenses.

31 Section 155. Subsection (1) of section 484.044,

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

1 Florida Statutes, is amended to read:

2 484.044 Authority to make rules.--

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

8 Section 156. Section 486.025, Florida Statutes, is
9 amended to read:

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

25 Section 157. Section 488.02, Florida Statutes, is
26 amended to read:

27 488.02 Rules and regulations.--The Department of
28 Highway Safety and Motor Vehicles has authority to adopt rules
29 pursuant to ss. 120.54 and 120.536(1)~~is authorized to adopt~~
30 ~~rules and regulations necessary~~ to implement the provisions of
31 this chapter.

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1 Section 158. Section 489.108, Florida Statutes, is
2 amended to read:

3 489.108 Rulemaking authority of the board.--The board
4 has authority to adopt rules pursuant to ss. 120.54 and
5 120.536(1) to implement the provisions of ~~is authorized to~~
6 ~~make such rules not inconsistent with law which are necessary~~
7 ~~to carry out the duties and authority conferred upon it by~~
8 this chapter conferring duties upon it.

9 Section 159. Subsection (3) of section 489.507,
10 Florida Statutes, is amended to read:

11 489.507 Electrical Contractors' Licensing Board.--

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

16 Section 160. Subsection (4) of section 490.004,
17 Florida Statutes, is amended to read:

18 490.004 Board of Psychology.--

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

21 Section 161. Subsection (5) of section 491.004,
22 Florida Statutes, is amended to read:

23 491.004 Board of Clinical Social Work, Marriage and
24 Family Therapy, and Mental Health Counseling.--

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

28 Section 162. Section 492.104, Florida Statutes, is
29 amended to read:

30 492.104 Authority to make rules.--The Board of
31 Professional Geologists has authority to adopt rules pursuant

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1 ~~to ss. 120.54 and 120.536(1) to implement is authorized to~~
2 ~~make such rules not inconsistent with law as may be necessary~~
3 ~~to carry out the duties and authority conferred upon the board~~
4 ~~by ss. 492.101-492.1165. Every licensee shall be governed and~~
5 controlled by ss. 492.101-492.1165 and the rules adopted by
6 the board. The board is authorized to set, by rule, fees for
7 application, examination, certificate of authorization, late
8 renewal, initial licensure, and license renewal. These fees
9 should not exceed the cost of implementing the application,
10 examination, initial licensure, and license renewal or other
11 administrative process.

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

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

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

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

19 (5) The fee for a certificate of authorization shall
20 not exceed \$350 and the fee for renewal of the certificate
21 shall not exceed \$350.

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

24 (7) The fee for a provisional license shall not exceed
25 \$400.

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

29 Section 163. Subsection (2) of section 494.0011,
30 Florida Statutes, is amended to read:

31 494.0011 Powers and duties of the department.--

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

5 Section 164. Section 496.424, Florida Statutes, is
 6 amended to read:

7 496.424 Rulemaking authority.--The department has the
 8 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
 9 ~~chapter 120 to implement the provisions of~~ ss. 496.401-496.424
 10 or s. 496.426.

11 Section 165. Subsection (1) of section 497.103,
 12 Florida Statutes, is amended to read:

13 497.103 Rulemaking authority of board and
 14 department.--

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

28 Section 166. Subsection (5) of section 497.105,
 29 Florida Statutes, is amended to read:

30 497.105 Department of Banking and Finance; powers and
 31 duties.--The Department of Banking and Finance shall:

1 (5) Adopt ~~all~~ rules pursuant to ss. 120.54 and
 2 120.536(1)~~necessary to implement the provisions of~~ administer
 3 ~~the department's duties under this chapter~~ conferring duties
 4 upon it.

5 Section 167. Subsection (1) of section 498.007,
 6 Florida Statutes, is amended to read:

7 498.007 General powers and duties.--

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

12 Section 168. Paragraph (a) of subsection (6) of
 13 section 500.459, Florida Statutes, is amended to read:

14 500.459 Water vending machines.--

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

16 (a) The department has authority to ~~may adopt such~~
 17 ~~additional~~ rules pursuant to ss. 120.54 and 120.536(1) to
 18 implement the provisions of ~~not inconsistent with law as may~~
 19 ~~be necessary to carry out the duties and authority conferred~~
 20 ~~on the department by this section~~ conferring duties upon it ~~or~~
 21 ~~as may be necessary to protect the health, safety, and welfare~~
 22 ~~of the public.~~

23 Section 169. Subsection (2) of section 501.014,
 24 Florida Statutes, is amended to read:

25 501.014 Health studios; powers and duties of the
 26 department.--

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

30 Section 170. Subsection (12) of section 501.143,
 31 Florida Statutes, is amended to read:

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1 501.143 Dance Studio Act.--
 2 (12) RULEMAKING AUTHORITY.--The department has the
 3 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
 4 ~~chapter 120~~ to implement this section.

5 Section 171. Section 501.626, Florida Statutes, is
 6 amended to read:

7 501.626 Rulemaking power.--The department has the
 8 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
 9 ~~chapter 120~~ to implement this part.

10 Section 172. Subsection (7) of section 502.014,
 11 Florida Statutes, is amended to read:

12 502.014 Powers and duties.--

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

- 21 (a) Standards for milk and milk products.
- 22 (b) Provisions for the production, transportation,
 23 processing, handling, sampling, examination, grading,
 24 labeling, and sale of all milk and milk products and imitation
 25 and substitute milk and milk products sold for public
 26 consumption in this state.
- 27 (c) Provisions for the inspection of dairy herds,
 28 dairy farms, and milk plants.
- 29 (d) Provisions for the issuance and revocation of
 30 permits issued by the department pursuant to this chapter.

31 Section 173. Subsection (1) of section 503.031,

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1 Florida Statutes, is amended to read:

2 503.031 Powers of department.--The department may:

3 (1) Adopt rules pursuant to ss. 120.54 and 120.536(1)
4 ~~necessary to implement administer~~ and enforce the provisions
5 of this chapter. The rules must, to the extent possible,
6 conform to applicable federal requirements.

7 Section 174. Section 504.32, Florida Statutes, is
8 amended to read:

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

17 Section 175. Section 516.22, Florida Statutes, is
18 amended to read:

19 516.22 Rules Regulations; certified copies.--

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

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

31 Section 176. Subsection (3) of section 516.23, Florida

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1 Statutes, is amended to read:

2 516.23 Subpoenas; enforcement actions; rules.--

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

8 Section 177. Subsection (1) of section 517.03, Florida
9 Statutes, is amended to read:

10 517.03 Power of department to make rules.--

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

26 Section 178. Subsection (5) of section 520.994,
27 Florida Statutes, is amended to read:

28 520.994 Powers of department.--

29 (5) The department shall administer and enforce this
30 chapter. The department has authority to ~~may~~ adopt rules
31 pursuant to ss. 120.54 and 120.536(1) to implement the

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1 ~~provisions and perform such other acts as are necessary or~~
2 ~~convenient for the proper administration, enforcement, and~~
3 ~~interpretation of this chapter.~~

4 Section 179. Section 526.09, Florida Statutes, is
5 amended to read:

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

15 Section 180. Subsection (3) of section 531.41, Florida
16 Statutes, is amended to read:

17 531.41 Powers and duties of the department.--The
18 department shall:

19 (3) Adopt ~~reasonable~~ rules pursuant to ss. 120.54 and
20 120.536(1) ~~to implement, interpret, or make specific the~~
21 ~~provisions of this chapter, which rules shall have the force~~
22 ~~and effect of law.~~

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

30 Section 181. Subsection (2) of section 548.003,
31 Florida Statutes, is amended to read:

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1 548.003 State Athletic Commission.--

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

7 Section 182. Section 553.76, Florida Statutes, is
8 amended to read:

9 553.76 General powers of the board.--The board is
10 authorized to:

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

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

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

20 Section 183. Subsection (3) of section 560.105,
21 Florida Statutes, is amended to read:

22 560.105 Supervisory powers of the department;
23 rulemaking.--Consistent with the purposes of the code, the
24 department shall have:

25 (3) Power to issue ~~and publish rules, orders, and~~
26 declaratory statements, disseminate information, and otherwise
27 exercise its discretion to effectuate the purposes, policies,
28 and provisions of the code and to adopt rules pursuant to ss.
29 120.54 and 120.536(1) to ~~interpret and~~ implement the
30 provisions of the code.

31 Section 184. Subsection (1) of section 561.11, Florida

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1 Statutes, is amended to read:

2 561.11 Power and authority of division.--

3 (1) The division has authority to adopt rules pursuant
4 to ss. 120.54 and 120.536(1) to implement the provisions ~~shall~~
5 ~~have full power and authority to make, adopt, amend, or repeal~~
6 ~~rules, regulations, or administrative orders to carry out the~~
7 ~~purposes of the Beverage Law. All such rules, regulations, or~~
8 ~~orders adopted in accordance with chapter 120 shall have the~~
9 ~~full force and effect of law.~~

10 Section 185. Subsection (23) of section 570.07,
11 Florida Statutes, is amended to read:

12 570.07 Department of Agriculture and Consumer
13 Services; functions, powers, and duties.--The department shall
14 have and exercise the following functions, powers, and duties:
15 (23) To adopt rules pursuant to ss. 120.54 and
16 120.536(1) to implement provisions of law conferring duties
17 upon it ~~enact, amend, and repeal administrative rules as~~
18 ~~necessary.~~

19 Section 186. Section 571.05, Florida Statutes, is
20 amended to read:

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

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1 Section 187. Subsection (9) of section 571.24, Florida
2 Statutes, is amended to read:

3 571.24 Purpose; duties of the division.--The purpose
4 of this part is to authorize the division to establish and
5 coordinate the Florida Agricultural Promotional Campaign. The
6 duties of the division shall include, but are not limited to:

7 (9) Adopting rules pursuant to ss. 120.54 and
8 120.536(1)~~Promulgating rules necessary~~ to implement the
9 provisions of this part.

10 Section 188. Section 574.14, Florida Statutes, is
11 amended to read:

12 574.14 Rules.--The Department of Agriculture and
13 Consumer Services may adopt rules pursuant to ss. 120.54 and
14 120.536(1) to implement, ~~make specific, or interpret~~ the
15 provisions of this chapter.

16 Section 189. Section 578.11, Florida Statutes, is
17 amended to read:

18 578.11 Duties, authority, and rules ~~and regulations~~ of
19 the department.--

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

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1 compliance with the provisions of this law, and to notify
2 promptly the person who transported, distributed, sold,
3 offered or exposed the seed for sale, of any violation.
4 (2) The department is authorized:
5 (a) To enforce this act and prescribe and ~~adopt~~
6 ~~reasonable rules, which shall have the full force and effect~~
7 ~~of law, for the enforcement of this act, governing~~ the methods
8 of sampling, inspecting, testing, and examining agricultural,
9 vegetable, flower, or forest tree seed. ~~The department shall,~~
10 ~~on a one-time basis after the effective date of this act,~~
11 ~~notify those previously receiving personal notice of such~~
12 ~~rules that they will no longer be receiving such notice.~~
13 (b) To establish standards and tolerances to be
14 followed in the administration of this law, which shall be in
15 general accord with officially prescribed practices in
16 interstate commerce.
17 (c) To prescribe uniform labels.
18 (d) To adopt prohibited and restricted noxious weed
19 seed lists.
20 (e) To prescribe limitations for each restricted
21 noxious weed to be used in enforcement of this act and to add
22 or subtract therefrom from time to time as the need may arise.
23 (f) To make commercial tests of seed and to fix and
24 collect charges for such tests.
25 (g) To list the kinds of flower and forest tree seed
26 subject to this law.
27 (h) To analyze samples, as requested by a consumer.
28 The department shall establish, by rule, a fee schedule for
29 analyzing samples at the request of a consumer. The fees
30 shall be sufficient to cover the costs to the department for
31 taking the samples and performing the analysis, not to exceed

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1 \$150 per sample.

2 (i) To adopt rules pursuant to ss. 120.54 and
3 120.536(1) to implement the provisions of ~~prescribe such other~~
4 ~~rules as may be necessary to secure the efficient enforcement~~
5 ~~of this act.~~

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

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

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

31 (c) To establish and maintain a seed laboratory,

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1 employ seed analysts and other personnel, and incur such other
2 expenses as may be necessary to comply with these provisions.

3 Section 190. Subsection (2) of section 580.036,
4 Florida Statutes, is amended to read:

5 580.036 Powers and duties.--

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

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

19 (b) Adopting standards for the manufacture and
20 distribution of medicated feed.

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

24 (d) Establishing product labeling requirements for
25 distributors.

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

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

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1 requirements.

2 Section 191. Section 583.04, Florida Statutes, is
3 amended to read:

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

8 Section 192. Subsection (4) of section 585.002,
9 Florida Statutes, is amended to read:

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

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

15 Section 193. Subsection (2) of section 593.103,
16 Florida Statutes, is amended to read:

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

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

22 Section 194. Section 616.165, Florida Statutes, is
23 amended to read:

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

27 Section 195. Paragraph (j) of subsection (1) of
28 section 616.256, Florida Statutes, is amended to read:

29 616.256 Powers of authority.--

30 (1) The authority shall have power to:

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

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1 to implement provisions of law conferring duties upon it,
2 ~~pursuant to chapter 120, rules necessary to carry out its~~
3 ~~duties and responsibilities.~~

4 Section 196. Subsection (4) of section 617.01301,
5 Florida Statutes, is amended to read:

6 617.01301 Powers of Department of State.--

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

14 Section 197. Subsection (4) of section 620.1835,
15 Florida Statutes, is amended to read:

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

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

25 Section 198. Subsection (2) of section 620.81055,
26 Florida Statutes, is amended to read:

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

29 (2) The Department of State has the power and
30 authority reasonably necessary to enable it to administer this
31 act efficiently, to perform the duties imposed upon it by this

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1 act, and to adopt ~~reasonable~~ rules pursuant to ss. 120.54 and
2 120.536(1) to implement the provisions of necessary to carry
3 ~~out its duties and functions under this act~~ conferring duties
4 upon it.

5 Section 199. Subsection (1) of section 624.308,
6 Florida Statutes, is amended to read:

7 624.308 Rules.--

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

15 Section 200. Section 624.4431, Florida Statutes, is
16 amended to read:

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

22 Section 201. Subsection (1) of section 626.943,
23 Florida Statutes, is amended to read:

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

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

31 Section 202. Section 627.805, Florida Statutes, is

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1 amended to read:

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

10 Section 203. Section 627.9408, Florida Statutes, is
11 amended to read:

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

16 Section 204. Section 628.535, Florida Statutes, is
17 amended to read:

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

22 Section 205. Section 633.01, Florida Statutes, is
23 amended to read:

24 633.01 State Fire Marshal; powers and duties; rules.--

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

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1 ~~such powers and duties. Rules shall be in substantial~~
2 ~~conformity with generally accepted standards of firesafety;~~
3 ~~shall take into consideration the direct supervision of~~
4 ~~children in nonresidential child care facilities; and shall~~
5 ~~balance and temper the need of the State Fire Marshal to~~
6 ~~protect all Floridians from fire hazards with the social and~~
7 ~~economic inconveniences that may be caused or created by the~~
8 ~~rules. However, the department shall not adopt minimum~~
9 ~~firesafety standards, except to the extent required by s.~~
10 ~~394.879.~~

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

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

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

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

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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~~

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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 206. 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 207. 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 208. 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 209. 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

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

3 Section 210. 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 211. 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 212. 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 213. 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~~

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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 214. 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 215. 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 216. 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 (3) Power to issue ~~and publish rules, orders, and~~

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

7 Section 217. Section 681.118, Florida Statutes, is
 8 amended to read:

9 681.118 Rulemaking authority.--The Department of Legal
 10 Affairs shall adopt rules pursuant to ss. 120.54 and
 11 120.536(1) to implement the provisions of this chapter.

12 Section 218. Section 717.138, Florida Statutes, is
 13 amended to read:

14 717.138 Rulemaking authority.--The Department of
 15 Banking and Finance shall administer and provide for the
 16 enforcement of this chapter. The department has authority to
 17 adopt rules pursuant to ss. 120.54 and 120.536(1) to implement
 18 ~~the provisions is authorized to make rules and to perform such~~
 19 ~~other acts as are necessary or convenient for the proper~~
 20 ~~administration, enforcement, and interpretation of this~~
 21 chapter.

22 Section 219. Paragraph (f) of subsection (1) of
 23 section 718.501, Florida Statutes, is amended to read:

24 718.501 Powers and duties of Division of Florida Land
 25 Sales, Condominiums, and Mobile Homes.--

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

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

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

10 Section 220. Paragraph (f) of subsection (1) of
11 section 719.501, Florida Statutes, is amended to read:

12 719.501 Powers and duties of Division of Florida Land
13 Sales, Condominiums, and Mobile Homes.--

14 (1) The Division of Florida Land Sales, Condominiums,
15 and Mobile Homes of the Department of Business and
16 Professional Regulation, referred to as the "division" in this
17 part, in addition to other powers and duties prescribed by
18 chapter 498, has the power to enforce and ensure compliance
19 with the provisions of this chapter and rules promulgated
20 pursuant hereto relating to the development, construction,
21 sale, lease, ownership, operation, and management of
22 residential cooperative units. In performing its duties, the
23 division shall have the following powers and duties:

24 (f) The division has authority to adopt rules pursuant
25 to ss. 120.54 and 120.536(1) to implement and enforce the
26 provisions of ~~is authorized to promulgate rules, pursuant to~~
27 ~~chapter 120, necessary to implement, enforce, and interpret~~
28 this chapter.

29 Section 221. Subsection (6) of section 721.26, Florida
30 Statutes, is amended to read:

31 721.26 Regulation by division.--The division has the

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1 power to enforce and ensure compliance with the provisions of
 2 this chapter using the powers provided in this chapter, as
 3 well as the powers prescribed in chapters 498, 718, and 719.
 4 In performing its duties, the division shall have the
 5 following powers and duties:

6 (6) 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 adopt, amend, or repeal rules~~
 9 ~~pursuant to chapter 120 as necessary to implement, enforce,~~
 10 ~~and interpret~~ this chapter.

11 Section 222. Subsection (7) of section 723.006,
 12 Florida Statutes, is amended to read:

13 723.006 Powers and duties of division.--In performing
 14 its duties, the division has the following powers and duties:

15 (7) The division has authority to adopt rules pursuant
 16 to ss. 120.54 and 120.536(1) to implement and enforce the
 17 provisions of ~~is authorized to promulgate rules, pursuant to~~
 18 ~~chapter 120, which are necessary to implement, enforce, and~~
 19 ~~interpret~~ this chapter.

20 Section 223. Section 916.20, Florida Statutes, is
 21 amended to read:

22 916.20 Operation and administration; rules.--

23 (1) The department is authorized to ~~promulgate rules,~~
 24 ~~enter into contracts,~~and do such things as may be necessary
 25 and incidental to assure compliance with and to carry out the
 26 provisions of this chapter in accordance with the stated
 27 legislative intent.

28 (2) The department has authority to adopt rules
 29 pursuant to ss. 120.54 and 120.536(1) to implement the
 30 provisions of this chapter ~~Rules of the department shall be~~
 31 ~~adopted in accordance with the provisions of chapter 120, the~~

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1 ~~Administrative Procedure Act.~~

2 Section 224. Subsection (4) of section 943.03, Florida
3 Statutes, is amended to read:

4 943.03 Department of Law Enforcement.--

5 (4) ~~Pursuant to chapter 120,~~The department shall
6 adopt ~~the~~ rules pursuant to ss. 120.54 and 120.536(1) to
7 implement the provisions of and regulations deemed necessary
8 ~~to carry out its duties and responsibilities under this~~
9 chapter conferring duties upon it.

10 Section 225. Subsection (1) of section 944.09, Florida
11 Statutes, is amended to read:

12 944.09 Rules of the department; offenders,
13 probationers, and parolees.--

14 (1) The department has authority to ~~shall~~ adopt rules
15 pursuant to ss. 120.54 and 120.536(1) to implement its
16 statutory authority. The rules must include rules relating to
17 ~~governing the administration of the correctional system and~~
18 ~~the operation of the department, which rules shall relate to:~~

19 (a) The rights of inmates.

20 (b) The ~~rules of~~ conduct to be observed by inmates and
21 the categories of violations according to degrees or levels of
22 severity, as well as the degrees of punishment applicable and
23 appropriate to such violations.

24 (c) Disciplinary procedures and punishment.

25 (d) Grievance procedures which shall conform to 42
26 U.S.C. s. 1997e.

27 (e) The operation and management of the correctional
28 institution or facility and its personnel and functions.

29 (f) The development of a staffing formula for security
30 positions in its residential facilities, taking into account
31 the factors of leave time, security needs, and training

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1 requirements.

2 (g) Mail to and from the state correctional system.

3 (h) Gain-time for good conduct of, release payments
4 to, and release transportation of inmates.

5 (i) Uniforms for inmates and custodial personnel.

6 (j) ~~Rules of~~ Conduct of custodial and other personnel.

7 (k) Classification of personnel and duties assigned
8 thereto and classification and separation of offenders
9 according to age, sex, and such other factors as are deemed
10 advisable.

11 (l) Credits for confinement prior to commitment to the
12 department.

13 (m) Payments to prisoners for work performed. Such
14 payments, if any, shall include restrictions on the use of
15 earnings, including payments for support of dependents and
16 release reserves. The rules shall provide that no payment
17 shall be made to any prisoner who fails to perform the work
18 assigned satisfactorily.

19 (n) Visiting hours and privileges. The rules shall
20 provide that any inmate with a current or prior conviction for
21 any offense contained in chapter 794, chapter 800, chapter
22 827, or chapter 847 for committing or attempting to commit
23 aggravated child abuse or committing or attempting to commit a
24 sex act on, in the presence of, or against a child under the
25 age of 16 years, shall not be allowed visitation with anyone
26 under the age of 18 years, unless special visitation is
27 approved by the superintendent. The authorization for special
28 visitation shall be based on extenuating circumstances that
29 serve the interest of the children. If visiting is restricted
30 by court order, permission for special visitation may be
31 granted only by the judge issuing the order.

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1 (o) Mail to and from inmates, including rules
2 specifying the circumstances under which an inmate must pay
3 for the cost of postage for mail that the inmate sends. The
4 department may not adopt a rule that requires an inmate to pay
5 any postage costs that the state is constitutionally required
6 to pay.

7 (p) The feeding of prisoners, including diet and
8 menus, and the furnishing of health and comfort items to
9 indigent prisoners.

10 (q) The determination of restitution, including the
11 amount and to whom it should be paid. The rules shall provide
12 necessary explanation to support recommendations regarding
13 restitution.

14 ~~(r) Such other rules as in the opinion of the~~
15 ~~department may be necessary for the efficient operation and~~
16 ~~management of the correctional system.~~

17 Section 226. Section 947.07, Florida Statutes, is
18 amended to read:

19 947.07 Rules ~~and regulations.~~--The commission has
20 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)
21 ~~shall have power to make such rules and regulations as it~~
22 ~~deems best~~ for its governance, including among other things
23 rules of practice and procedure and rules prescribing
24 qualifications to be possessed by its employees.

25 Section 227. Paragraph (b) of subsection (1) of
26 section 960.045, Florida Statutes, is amended to read:

27 960.045 Department of Legal Affairs; powers and
28 duties.--It shall be the duty of the department to assist
29 persons who are victims of crime.

30 (1) The department shall:

31 (b) ~~Adopt, promulgate, amend, and rescind such rules~~

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1 pursuant to ss. 120.54 and 120.536(1) to implement ~~as are~~
2 ~~necessary to carry out~~ the provisions of this chapter.

3 Section 228. Section 985.405, Florida Statutes, is
4 amended to read:

5 985.405 Rules for implementation.--The Department of
6 Juvenile Justice shall adopt rules pursuant to ss. 120.54 and
7 120.536(1) to implement the provisions of ~~for the efficient~~
8 ~~and effective management of all programs, services,~~
9 ~~facilities, and functions necessary for implementing this~~
10 chapter. Such rules may not conflict with the Florida Rules of
11 Juvenile Procedure. All rules and policies must conform to
12 accepted standards of care and treatment.

13 Section 229. Subsection (1) of section 633.70, Florida
14 Statutes, is amended to read:

15 633.70 Jurisdiction of State Fire Marshal over alarm
16 system contractors and certified unlimited electrical
17 contractors.--

18 (1) When the State Fire Marshal, in the course of its
19 activities pursuant to s. 633.01(2)~~s. 633.01(3)~~, determines
20 that an alarm system contractor or a certified unlimited
21 electrical contractor working with an alarm system has
22 violated any provision of this chapter or the rules of the
23 State Fire Marshal, the State Fire Marshal shall have
24 jurisdiction, notwithstanding any other provision of this
25 chapter, to order corrective action by the alarm system
26 contractor or the certified unlimited electrical contractor to
27 bring the alarm system into compliance with applicable
28 standards set forth in this chapter and the rules of the State
29 Fire Marshal.

30 Section 230. This act shall take effect July 1 of the
31 year in which enacted.

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 1, line 20,

4

5 insert after the semicolon:

6 amending ss. 14.202, 17.29, 18.22, 20.171,
7 63.233, 175.341, 177.504, 185.23, 198.08,
8 199.202, 201.11, 207.011, 210.10, 210.75,
9 212.17, 212.18, 213.06, 215.62, 215.95, 217.14,
10 220.182, 220.183, 229.053, 229.515, 230.22,
11 230.32, 231.261, 235.01, 240.209, 240.227,
12 240.311, 240.319, 242.331, 246.041, 246.051,
13 246.071, 246.207, 246.213, 253.03, 253.73,
14 257.14, 258.007, 258.43, 259.035, 259.041,
15 265.284, 265.605, 267.031, 280.19, 284.17,
16 288.709, 292.05, 310.151, 310.185, 319.17,
17 320.011, 320.69, 320.824, 324.042, 326.003,
18 327.04, 330.29, 334.044, 339.175, 350.127,
19 366.05, 367.121, 368.05, 369.20, 369.22,
20 369.251, 370.021, 370.092, 370.15, 373.043,
21 373.044, 373.113, 373.171, 373.337, 373.418,
22 376.07, 377.22, 377.703, 378.205, 378.404,
23 380.05, 380.0651, 381.0011, 384.33, 391.026,
24 392.66, 394.879, 395.1055, 403.061, 403.1835,
25 403.504, 403.523, 403.704, 403.716, 403.805,
26 403.861, 403.869, 403.9404, 406.04, 408.15,
27 414.45, 427.013, 430.08, 440.591, 443.171,
28 455.203, 455.521, 457.104, 458.309, 459.005,
29 460.405, 461.005, 463.005, 464.006, 465.005,
30 465.022, 466.004, 466.038, 467.005, 468.1135,
31 468.1685, 468.204, 468.384, 468.402, 468.507,

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1 468.522, 468.606, 468.705, 468.802, 470.005,
2 471.008, 472.008, 473.304, 474.206, 475.05,
3 475.614, 476.064, 477.016, 478.43, 480.035,
4 481.2055, 481.306, 482.051, 483.805, 484.005,
5 484.044, 486.025, 488.02, 489.108, 489.507,
6 490.004, 491.004, 492.104, 494.0011, 496.424,
7 497.103, 497.105, 498.007, 500.459, 501.014,
8 501.143, 501.626, 502.014, 503.031, 504.32,
9 516.22, 516.23, 517.03, 520.994, 526.09,
10 531.41, 548.003, 553.76, 560.105, 561.11,
11 570.07, 571.05, 571.24, 574.14, 578.11,
12 580.036, 583.04, 585.002, 593.103, 616.165,
13 616.256, 617.01301, 620.1835, 620.81055,
14 624.308, 624.4431, 626.943, 627.805, 627.9408,
15 628.535, 633.01, 633.517, 634.021, 634.302,
16 634.402, 635.081, 636.067, 641.403, 641.56,
17 648.26, 651.015, 655.012, 681.118, 717.138,
18 718.501, 719.501, 721.26, 723.006, 916.20,
19 943.03, 944.09, 947.07, 960.045, 985.405, F.S.;
20 restating rulemaking authority for numerous
21 state officers, departments, divisions, boards,
22 and other entities; repealing s. 258.011, F.S.,
23 relating to rules for state parks; amending s.
24 633.70, F.S.; conforming a cross-reference to a
25 change made by the act;

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