

By the Committee on Governmental Reform and Oversight and  
Senator Williams

302-2010A-98

1                                   A bill to be entitled  
2           An act relating to rulemaking authority;  
3           amending ss. 14.202, 17.29, 18.22, 20.171,  
4           63.233, 175.341, 177.504, 185.23, 198.08,  
5           199.202, 201.11, 207.011, 210.10, 210.75,  
6           212.17, 212.18, 213.06, 215.62, 215.95, 217.14,  
7           220.182, 220.183, 229.053, 229.515, 230.22,  
8           230.32, 231.261, 235.01, 240.209, 240.227,  
9           240.311, 240.319, 242.331, 246.041, 246.051,  
10          246.071, 246.207, 246.213, 253.03, 253.73,  
11          257.14, 258.007, 258.43, 259.035, 259.041,  
12          265.284, 265.605, 267.031, 280.19, 284.17,  
13          288.709, 292.05, 310.151, 310.185, 319.17,  
14          320.011, 320.69, 320.824, 324.042, 326.003,  
15          327.04, 330.29, 334.044, 339.175, 350.127,  
16          366.05, 367.121, 368.05, 369.20, 369.22,  
17          369.251, 370.021, 370.092, 370.15, 373.043,  
18          373.044, 373.113, 373.171, 373.337, 373.418,  
19          376.07, 377.22, 377.703, 378.205, 378.404,  
20          380.05, 380.0651, 381.0011, 384.33, 391.026,  
21          392.66, 394.879, 395.1055, 403.061, 403.1835,  
22          403.504, 403.523, 403.704, 403.716, 403.805,  
23          403.861, 403.869, 403.9404, 406.04, 408.15,  
24          414.45, 427.013, 430.08, 440.591, 443.171,  
25          455.203, 455.521, 457.104, 458.309, 459.005,  
26          460.405, 461.005, 463.005, 464.006, 465.005,  
27          465.022, 466.004, 466.038, 467.005, 468.1135,  
28          468.1685, 468.204, 468.384, 468.402, 468.507,  
29          468.522, 468.606, 468.705, 468.802, 470.005,  
30          471.008, 472.008, 473.304, 474.206, 475.05,  
31          475.614, 476.064, 477.016, 478.43, 480.035,

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

24

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

26

27 Section 1. Section 14.202, Florida Statutes, is  
28 amended to read:

29 14.202 Administration Commission.--There is created as  
30 part of the Executive Office of the Governor an Administration  
31 Commission composed of the Governor and Cabinet. The Governor

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

10 Section 2. Section 17.29, Florida Statutes, is amended  
11 to read:

12 17.29 Authority to prescribe rules.--The Comptroller  
13 has authority to adopt rules pursuant to ss. 120.54 and  
14 120.536(1) to implement duties assigned by statute or the  
15 State Constitution ~~may prescribe any rule he or she considers~~  
16 ~~necessary to properly fulfill his or her constitutional and~~  
17 ~~statutory duties.~~ Such rules may include, but are not limited  
18 to, the following:

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

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

25 Section 3. Section 18.22, Florida Statutes, is amended  
26 to read:

27 18.22 ~~Rules and regulations.~~--The department has  
28 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)  
29 to implement ~~All rules and regulations necessary to effectuate~~  
30 ~~the provisions of this chapter may be adopted by the~~  
31 ~~department in accordance with the provisions of chapter 120.~~

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

3           20.171 Department of Labor and Employment  
4 Security.--There is created a Department of Labor and  
5 Employment Security.

6           (4)

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

13           Section 5. Section 63.233, Florida Statutes, is  
14 amended to read:

15           63.233 Rulemaking authority.--The department shall  
16 adopt rules pursuant to ss. 120.54 and 120.536(1) to implement  
17 the provisions of this chapter.

18           Section 6. Subsection (2) of section 175.341, Florida  
19 Statutes, is amended to read:

20           175.341 Duties of Division of Retirement; rulemaking  
21 authority; investments by the State Board of Administration.--

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

26           Section 7. Paragraph (e) of subsection (2) of section  
27 177.504, Florida Statutes, is amended to read:

28           177.504 Powers and duties of the department.--

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

31

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

4           Section 8. Subsection (2) of section 185.23, Florida  
5 Statutes, is amended to read:

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

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

12           Section 9. Section 198.08, Florida Statutes, is  
13 amended to read:

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

25           Section 10. Section 199.202, Florida Statutes, is  
26 amended to read:

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

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

5 Section 11. Subsection (1) of section 201.11, Florida  
6 Statutes, is amended to read:

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

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

1 misdemeanor of the second degree, punishable as provided in s.  
2 775.082 or s. 775.083.

3 Section 12. Subsection (2) of section 207.011, Florida  
4 Statutes, is amended to read:

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

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

11 Section 13. Subsection (1) of section 210.10, Florida  
12 Statutes, is amended to read:

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

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

26 Section 14. Subsection (2) of section 210.75, Florida  
27 Statutes, is amended to read:

28 210.75 Administration.--

29 (2) The division has authority to adopt rules pursuant  
30 to ss. 120.54 and 120.536(1) to ~~is authorized to prescribe and~~  
31

1 ~~promulgate rules it may deem necessary to implement and~~  
2 ~~enforce the provisions of this part.~~

3 Section 15. Subsection (6) of section 212.17, Florida  
4 Statutes, is amended to read:

5 212.17 Credits for returned goods, rentals, or  
6 admissions; additional powers of department.--

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

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

19 212.18 Administration of law; registration of dealers;  
20 rules.--

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



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

8 Section 17. Subsection (1) of section 213.06, Florida  
9 Statutes, is amended to read:

10 213.06 Rules of department; circumstances requiring  
11 emergency rules.--

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

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

21 215.62 Division of Bond Finance.--

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

30 Section 19. Paragraph (a) of subsection (2) of section  
31 215.95, Florida Statutes, is amended to read:

1           215.95 Financial Management Information Board.--

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

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

8           Section 20. Section 217.14, Florida Statutes, is  
9 amended to read:

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

15           Section 21. Subsection (8) of section 220.182, Florida  
16 Statutes, is amended to read:

17           220.182 Enterprise zone property tax credit.--

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

22           Section 22. Paragraphs (a) and (d) of subsection (6)  
23 of section 220.183, Florida Statutes, are amended to read:

24           220.183 Community contribution tax credit.--

25           (6) ADMINISTRATION.--

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

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

5           Section 23. Subsection (1) of section 229.053, Florida  
6 Statutes, is amended to read:

7           229.053 General powers of state board.--

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

20           Section 24. Section 229.515, Florida Statutes, is  
21 amended to read:

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

1 ~~full force and effect of law. The commissioner, in prescribing~~  
2 ~~such rules, is considered an "agency" for purposes of chapter~~  
3 ~~120.~~

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

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

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

15 Section 26. Subsection (4) of section 230.32, Florida  
16 Statutes, is amended to read:

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

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

31

1           Section 27. Paragraph (d) of subsection (7) of section  
2 231.261, Florida Statutes, is amended to read:

3           231.261 Education Practices Commission;  
4 organization.--

5           (7) The duties and responsibilities of the commission  
6 are to:

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

10          Section 28. Subsection (2) of section 235.01, Florida  
11 Statutes, is amended to read:

12          235.01 Purpose; rules.--

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

16          Section 29. Subsection (1) and paragraph (r) of  
17 subsection (3) of section 240.209, Florida Statutes, are  
18 amended to read:

19          240.209 Board of Regents; powers and duties.--

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

30          (3) The board shall:  
31

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

5           Section 30. Subsection (1) of section 240.227, Florida  
6 Statutes, is amended to read:

7           240.227 University presidents; powers and duties.--The  
8 president is the chief administrative officer of the  
9 university and is responsible for the operation and  
10 administration of the university. Each university president  
11 shall:

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

21           Section 31. Subsection (2) of section 240.311, Florida  
22 Statutes, is amended to read:

23           240.311 State Board of Community Colleges; powers and  
24 duties.--

25           (2) The State Board of Community Colleges is  
26 responsible for ~~the establishing and developing of rules and~~  
27 ~~policies which will ensure~~ the operation and maintenance of a  
28 state community college system, as defined in s.  
29 228.041(1)(b), in a coordinated, efficient, and effective  
30 manner. The State Board of Community Colleges has authority to  
31 adopt rules pursuant to ss. 120.54 and 120.536(1) to implement

1 provisions of law conferring duties upon it. Such rules and  
2 policies shall be submitted to the State Board of Education  
3 for approval. If any rule is not disapproved by the State  
4 Board of Education within 45 days of its receipt by the State  
5 Board of Education, the rule shall be filed immediately with  
6 the Department of State.

7 Section 32. Subsection (2) of section 240.319, Florida  
8 Statutes, as amended by section 2 of chapter 97-383, Laws of  
9 Florida, is amended to read:

10 240.319 Community college district boards of trustees;  
11 duties and powers.--

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

25 Section 33. Subsection (3) of section 242.331, Florida  
26 Statutes, is amended to read:

27 242.331 Florida School for the Deaf and the Blind;  
28 board of trustees.--

29 (3) The board of trustees has authority to adopt rules  
30 pursuant to ss. 120.54 and 120.536(1) to implement provisions  
31 of law relating to operation of ~~is authorized to adopt such~~

1 ~~rules as are necessary to operate~~ the Florida School for the  
2 Deaf and the Blind. Such rules shall be submitted to the State  
3 Board of Education for approval or disapproval. If any rule is  
4 not disapproved by the State Board of Education within 60 days  
5 of its receipt by the State Board of Education, the rule shall  
6 be filed immediately with the Department of State. The board  
7 of trustees shall act at all times in conjunction with the  
8 rules of the State Board of Education.

9 Section 34. Paragraph (e) of subsection (1) of section  
10 246.041, Florida Statutes, is amended to read:

11 246.041 Powers and duties of board.--

12 (1) The board shall:

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

16 Section 35. Section 246.051, Florida Statutes, is  
17 amended to read:

18 246.051 Administration by board.--The provisions of  
19 ss. 246.011-246.151 shall be administered by the board which  
20 in connection therewith has the power:

21 (1) To adopt ~~such~~ rules pursuant to ss. 120.54 and  
22 120.536(1) to implement as it may find necessary to carry out  
23 ~~the objectives, purposes, and directives of ss.~~  
24 246.011-246.151;

25 (2) To execute such ~~standards and rules and~~  
26 ~~regulations~~ as shall be adopted for the operation and  
27 establishment of nonpublic colleges; and

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

30 Section 36. Section 246.071, Florida Statutes, is  
31 amended to read:



1           246.071 Rules of State Board of Independent Colleges  
2 and Universities.--The State Board of Independent Colleges and  
3 Universities has authority ~~is authorized~~ to adopt ~~such~~ rules  
4 pursuant to ss. 120.54 and 120.536(1) to implement ~~as are~~  
5 ~~necessary to carry out the objectives, purposes, and~~  
6 ~~directives of ss. 246.011-246.151.~~ Such rules shall be  
7 submitted to the State Board of Education for approval or  
8 disapproval. If any rule is not disapproved by the State  
9 Board of Education within 60 days after its receipt by the  
10 State Board of Education, the rule shall be filed immediately  
11 with the Department of State.

12           Section 37. Paragraph (e) of subsection (1) of section  
13 246.207, Florida Statutes, is amended to read:

14           246.207 Powers and duties of board.--

15           (1) The board shall:

16           (e) Prescribe and recommend to the State Board of  
17 Education rules to implement ~~as are required by~~ ss.  
18 246.201-246.231 ~~or as it may find necessary to aid in carrying~~  
19 ~~out the objectives and purposes of ss. 246.201-246.231.~~

20           Section 38. Subsection (1) of section 246.213, Florida  
21 Statutes, is amended to read:

22           246.213 Power of State Board of Education.--

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

29           Section 39. Paragraph (a) of subsection (7) of section  
30 253.03, Florida Statutes, is amended to read:

31

1           253.03 Board of trustees to administer state lands;  
2 lands enumerated.--

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

14           Section 40. Section 253.73, Florida Statutes, is  
15 amended to read:

16           253.73 Rules ~~and regulations~~; ss.  
17 253.67-253.75.--~~Subject to the requirements of chapter 120,~~  
18 The board has authority to may adopt rules pursuant to ss.  
19 120.54 and 120.536(1) to administer and regulations necessary  
20 and appropriate to carry out the provisions of ss.  
21 253.67-253.75.

22           Section 41. Section 257.14, Florida Statutes, is  
23 amended to read:

24           257.14 Division of Library and Information Services;  
25 rules.--The Division of Library and Information Services has  
26 authority to may adopt rules pursuant to ss. 120.54 and  
27 120.536(1)to implement ~~carry out~~ the provisions of this  
28 chapter.

29           Section 42. Subsection (2) of section 258.007, Florida  
30 Statutes, is amended to read:

31           258.007 Powers of division.--

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

9           Section 43. Section 258.011, Florida Statutes, is  
10 repealed.

11           Section 44. Section 258.43, Florida Statutes, is  
12 amended to read:

13           258.43 Rules ~~and regulations~~.--

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

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

27           (3) The Board of Trustees of the Internal Improvement  
28 Trust Fund may delegate to a local government, by agreement,  
29 the power and duty to administer and enforce the standards and  
30 criteria established in a resource inventory and management  
31

1 plan adopted by the board, if the board determines that such a  
2 delegation is in the public interest.

3 (a) Such delegation shall be made only if the board  
4 determines that the local government's program for  
5 administering and enforcing the adopted standards and  
6 criteria:

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

19 2. Provides for the enforcement of such requirements  
20 by appropriate administrative and judicial processes.

21 3. Provides for administrative organization, staff,  
22 and financial and other resources necessary to effectively and  
23 efficiently enforce such requirements.

24 4. Provides for improved management and enforcement of  
25 the standards and criteria in the resource inventory and  
26 management plans and of the rules adopted by the board  
27 pertaining to state-owned lands.

28 (b) Such delegation may not include the authority to  
29 grant approval for the sale, lease, easement, or other uses of  
30 state-owned sovereignty lands that require approval by the  
31 board as provided by the board's rules on October 1, 1989.

1 This provision shall not preclude agreements between the board  
2 and local governments that may provide that the local  
3 government shall process applications and present  
4 recommendations for final action to the board.

5 (c) The board shall give prior notice of its intention  
6 to enter into an agreement as described in this subsection, as  
7 provided by s. 253.115. The Division of State Lands of the  
8 Department of Environmental Protection shall update its rules  
9 annually to include a list of the management agreements  
10 adopted pursuant to this subsection. The list shall identify  
11 the parties to, and the date and location of, each agreement,  
12 and shall specify the nature of the authority delegated by the  
13 agreement.

14 (d) The board may designate the local government as  
15 its enforcement arm for purposes of s. 258.46, and the local  
16 government shall have the authority to directly enforce the  
17 provisions of that section or to rely on the enforcement  
18 provisions of the local ordinance implementing the management  
19 plan. The governing body of the local government shall seek  
20 approval from the Division of State Lands before seeking the  
21 elevated penalties associated with direct enforcement of s.  
22 258.46 in lieu of penalties associated with violation of its  
23 ordinance. Nothing in this subsection shall affect the  
24 authority of the division to enforce the provisions of this  
25 act.

26 (e) Each year on the anniversary of any delegation  
27 pursuant to this subsection, the staff of the department shall  
28 present to the board an evaluation of decisions made by the  
29 local governments during the previous year. The board shall,  
30 upon reviewing this evaluation, either act to renew the  
31 delegation, act to retract the delegation, or act to renew the

1 delegation with specific directives to the local government to  
2 take corrective action concerning any deficiencies in its  
3 processing or application of the standards and criteria in the  
4 rules approved by the board or a management plan adopted for  
5 the preserves.

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

8 Section 45. Subsection (1) of section 259.035, Florida  
9 Statutes, is amended to read:

10 259.035 Advisory council; powers and duties.--

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

28 Section 46. Subsection (2) of section 259.041, Florida  
29 Statutes, is amended to read:

30 259.041 Acquisition of state-owned lands for  
31 preservation, conservation, and recreation purposes.--

1           (2) The board of trustees has authority to ~~shall~~ adopt  
2 ~~and may modify or repeal such rules pursuant to ss. 120.54 and~~  
3 ~~120.536(1) as are necessary to~~ implement the provisions carry  
4 ~~out the purposes~~ of this section, including rules governing  
5 the terms and conditions of land purchases. Such rules shall  
6 address with specificity, but not be limited to:

7           (a) The procedures to be followed in the acquisition  
8 process, including selection of appraisers, surveyors, title  
9 agents and closing agents, and the content of appraisal  
10 reports.

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

13           (c) Special requirements when multiple landowners are  
14 involved in an acquisition.

15           (d) Requirements for obtaining written option  
16 agreements so that the interests of the state are fully  
17 protected.

18           Section 47. Paragraph (d) of subsection (5) of section  
19 265.284, Florida Statutes, is amended to read:

20           265.284 Chief cultural officer; director of division;  
21 powers and duties.--

22           (5) The division is further authorized to:

23           (d) Adopt rules pursuant to ss. 120.54 and 120.536(1)  
24 to implement provisions of law conferring duties on it  
25 ~~Promulgate such rules as are necessary to carry out its~~  
26 ~~duties.~~

27           Section 48. Subsection (1) of section 265.605, Florida  
28 Statutes, is amended to read:

29           265.605 Cultural Endowment Program; rulemaking.--

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

4           Section 49. Subsection (1) of section 267.031, Florida  
5 Statutes, is amended to read:

6           267.031 Division of Historical Resources.--

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

11           Section 50. Section 280.19, Florida Statutes, is  
12 amended to read:

13           280.19 Rules.--The Treasurer shall adopt ~~such~~ rules  
14 pursuant to ss. 120.54 and 120.536(1)~~and prescribe such forms~~  
15 ~~as may be necessary to~~ administer the provisions ~~accomplish~~  
16 ~~the purposes~~ of this chapter.

17           Section 51. Section 284.17, Florida Statutes, is  
18 amended to read:

19           284.17 Rules ~~and regulations~~.--The Department of  
20 Insurance has authority to adopt rules pursuant to ss. 120.54  
21 and 120.536(1) to implement the provisions of ~~shall promulgate~~  
22 ~~such reasonable rules and regulations as are necessary to aid~~  
23 ~~in the implementation of~~ this chapter.

24           Section 52. Subsection (1) of section 288.709, Florida  
25 Statutes, is amended to read:

26           288.709 Powers of the Florida Black Business  
27 Investment Board.--The board shall have all the powers  
28 necessary or convenient to carry out and effectuate the  
29 purposes and provisions of ss. 9-21, chapter 85-104, Laws of  
30 Florida, including, but not limited to, the power to:  
31



1           (1) Adopt bylaws for the regulation of its affairs and  
2 the conduct of its business and adopt rules pursuant to ss.  
3 120.54 and 120.536(1) to implement the provisions of law  
4 conferring duties upon it ~~rules pursuant to chapter 120.~~

5 However, any proposed rules affecting the operation or  
6 administration or financial well-being of any of the black  
7 business investment corporations must first be approved by a  
8 majority of the black business investment corporations.

9           Section 53. Subsection (3) of section 292.05, Florida  
10 Statutes, is amended to read:

11           292.05 Duties of Department of Veterans' Affairs.--

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

16           Section 54. Paragraph (c) of subsection (1) of section  
17 310.151, Florida Statutes, is amended to read:

18           310.151 Rates of pilotage; Pilotage Rate Review  
19 Board.--

20           (1)

21           (c) The board has authority to adopt rules pursuant to  
22 ss. 120.54 and 120.536(1) to implement provisions of ~~is~~  
23 ~~authorized to adopt such rules as are consistent with law and~~  
24 ~~necessary to carry out the duties and authority conferred on~~  
25 ~~it by this section~~ conferring duties upon it. The department  
26 shall provide the staff required by the board to carry out its  
27 duties under this section.

28           Section 55. Subsection (1) of section 310.185, Florida  
29 Statutes, is amended to read:

30           310.185 Rulemaking.--

31

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

4           Section 56. Subsection (1) of section 319.17, Florida  
5 Statutes, is amended to read:

6           319.17 Rules; forms; indexes and records.--

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

12           Section 57. Section 320.011, Florida Statutes, is  
13 amended to read:

14           320.011 Administration and enforcement; rules.--The  
15 department shall administer and enforce the provisions of this  
16 chapter and has authority to may adopt such rules pursuant to  
17 ss. 120.54 and 120.536(1) to implement them ~~as it deems~~  
18 ~~necessary or proper for the administration hereof.~~

19           Section 58. Section 320.69, Florida Statutes, is  
20 amended to read:

21           320.69 Rules and regulations.--The department has  
22 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)  
23 to implement the provisions of ~~may make such rules and~~  
24 ~~regulations as it shall deem necessary or proper for the~~  
25 ~~effective administration and enforcement of this law.~~

26           Section 59. Section 320.824, Florida Statutes, is  
27 amended to read:

28           320.824 ~~Rules and regulations,~~Changes and  
29 modifications of standards.--

30           (1) The department ~~may make such rules and regulations~~  
31 ~~as it shall deem necessary or proper for the effective~~

1 ~~administration and enforcement of ss. 320.822-320.90 and may~~  
2 adopt by rule and promulgate any changes in, or additions to,  
3 the standards adopted in s. 320.823 or s. 320.8231, which are  
4 approved and officially published by the institute or  
5 promulgated by the Department of Housing and Urban Development  
6 subsequent to the effective date of this act.

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

12 Section 60. Section 324.042, Florida Statutes, is  
13 amended to read:

14 324.042 Administration.--The department shall  
15 administer and enforce the provisions of this chapter, and has  
16 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)  
17 to implement them ~~the department may make such rules as may be~~  
18 ~~necessary for its administration.~~

19 Section 61. Subsection (2) of section 326.003, Florida  
20 Statutes, is amended to read:

21 326.003 Administration.--The division shall:

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

25 Section 62. Section 327.04, Florida Statutes, is  
26 amended to read:

27 327.04 Rules ~~and regulations~~.--

28 (1) The department has authority to ~~may~~ adopt rules  
29 pursuant to ss. 120.54 and 120.536(1), other than rules  
30 pertaining to vessel registration or titling, to implement the  
31 provisions of ~~which are necessary for carrying out the~~

1 ~~administrative powers and duties conferred on the department~~  
2 ~~by this chapter~~ conferring powers or duties upon it.

3 (2) The Department of Highway Safety and Motor  
4 Vehicles has authority to ~~may~~ adopt rules pursuant to ss.  
5 120.54 and 120.536(1) which pertain ~~pertaining~~ to vessel  
6 registration and titling to implement the provisions of  
7 ~~necessary for carrying out the administrative duties,~~  
8 ~~obligations, and powers conferred on that department by this~~  
9 ~~chapter and chapter 328~~ conferring duties upon it.

10 Section 63. Section 330.29, Florida Statutes, is  
11 amended to read:

12 330.29 Administration and enforcement; rules;  
13 standards for airport sites and airports.--It is the duty of  
14 the department to:

15 (1) Administer and enforce the provisions of this  
16 chapter. ~~†~~

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

19 (3) Adopt ~~such~~ rules pursuant to ss. 120.54 and  
20 120.536(1) as it deems necessary to implement ~~administer and~~  
21 ~~enforce~~ the provisions of this chapter.

22 Section 64. Subsection (2) of section 334.044, Florida  
23 Statutes, is amended to read:

24 334.044 Department; powers and duties.--The department  
25 shall have the following general powers and duties:

26 (2) To adopt rules pursuant to ss. 120.54 and  
27 120.536(1) to implement the provisions of law conferring  
28 duties upon it, ~~procedures, and standards for the conduct of~~  
29 ~~its business operations and the implementation of any~~  
30 ~~provision of law for which the department is responsible.~~

31

1           Section 65. Paragraph (c) of subsection (10) of  
2 section 339.175, Florida Statutes, is amended to read:

3           339.175 Metropolitan planning organization.--It is the  
4 intent of the Legislature to encourage and promote the  
5 development of transportation systems embracing various modes  
6 of transportation in a manner that will maximize the mobility  
7 of people and goods within and through urbanized areas of this  
8 state and minimize, to the maximum extent feasible, and  
9 together with applicable regulatory government agencies,  
10 transportation-related fuel consumption and air pollution. To  
11 accomplish these objectives, metropolitan planning  
12 organizations, referred to in this section as M.P.O.'s, shall  
13 develop, in cooperation with the state, transportation plans  
14 and programs for metropolitan areas. Such plans and programs  
15 must provide for the development of transportation facilities  
16 that will function as an intermodal transportation system for  
17 the metropolitan area. The process for developing such plans  
18 and programs shall be continuing, cooperative, and  
19 comprehensive, to the degree appropriate, based on the  
20 complexity of the transportation problems.

21           (10) METROPOLITAN PLANNING ORGANIZATION ADVISORY  
22 COUNCIL.--

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

25           1. Enter into contracts with individuals, private  
26 corporations, and public agencies.

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

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

31

1           4. Establish bylaws and adopt rules pursuant to ss.  
2 120.54 and 120.536(1) to implement provisions of law  
3 conferring powers or duties upon it ~~make rules to effectuate~~  
4 ~~its powers, responsibilities, and obligations.~~

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

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

13           7. Employ an executive director and such other staff  
14 as necessary to perform adequately the functions of the  
15 council, within budgetary limitations. The executive director  
16 and staff are exempt from part II of chapter 110 and serve at  
17 the direction and control of the council. The council is  
18 assigned to the Office of the Secretary of the Department of  
19 Transportation or for fiscal and accountability purposes, but  
20 it shall otherwise function independently of the control and  
21 direction of the department.

22           8. Adopt an agency strategic plan that provides the  
23 priority directions the agency will take to carry out its  
24 mission within the context of the state comprehensive plan and  
25 any other statutory mandates and directions given to the  
26 agency.

27           Section 66. Subsection (2) of section 350.127, Florida  
28 Statutes, is amended to read:

29           350.127 Penalties; rules; execution of contracts.--

30           (2) The commission is authorized to adopt, by  
31 affirmative vote of a majority of the commission, rules

1 pursuant to ss. 120.54 and 120.536(1) to implement provisions  
2 of law conferring duties upon it ~~reasonably necessary to~~  
3 ~~implement any law which it administers.~~

4 Section 67. Subsection (1) of section 366.05, Florida  
5 Statutes, is amended to read:

6 366.05 Powers.--

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

23 Section 68. Subsection (1) of section 367.121, Florida  
24 Statutes, is amended to read:

25 367.121 Powers of commission.--

26 (1) In the exercise of its jurisdiction, the  
27 commission shall have power:

28 (a) To prescribe fair and reasonable rates and  
29 charges, classifications, standards of quality and  
30 measurements, and to prescribe service rules to be observed by  
31

1 each utility, except to the extent such authority is expressly  
2 given to another state agency.†

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

7 (c) To require such regular or emergency reports from  
8 a utility, including, but not limited to, financial reports,  
9 as the commission deems necessary and, if the commission finds  
10 a financial report to be incomplete, incorrect, or  
11 inconsistent with the uniform system and classification of  
12 accounts, to require a new report or a supplemental report,  
13 either of which the commission may require to be certified by  
14 an independent certified public accountant licensed under  
15 chapter 473.†

16 (d) To require repairs, improvements, additions, and  
17 extensions to any facility, or to require the construction of  
18 a new facility, if reasonably necessary to provide adequate  
19 and proper service to any person entitled to service or if  
20 reasonably necessary to provide any prescribed quality of  
21 service, except that no utility shall be required to extend  
22 its service outside the geographic area described in its  
23 certificate of authorization, or make additions to its plant  
24 or equipment to serve outside such area, unless the commission  
25 first finds that the utility is financially able to make such  
26 additional investment without impairing its capacity to serve  
27 its existing customers.†

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

31



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

6           (g) To exercise all judicial powers, issue all writs,  
7 and do all things necessary or convenient to the full and  
8 complete exercise of its jurisdiction and the enforcement of  
9 its orders and requirements.†

10           (h) To order interconnections of service or facilities  
11 between utilities, and to approve any plant capacity charges  
12 or wholesale service charges or rates related thereto,  
13 provided the commission first finds that the utility is  
14 financially able to make such additional investment as is  
15 required without impairing its capacity to serve its existing  
16 customers.†

17           (i) To require the filing of reports and other data by  
18 a public utility or its affiliated companies, including its  
19 parent company, regarding transactions or allocations of  
20 common costs, among the utility and such affiliated companies.  
21 The commission may also require such reports or other data  
22 necessary to ensure that a utility's ratepayers do not  
23 subsidize nonutility activities.†

24           (j) To seek relief in circuit court including  
25 temporary and permanent injunctions, restraining orders, or  
26 any other appropriate order, because the Legislature finds  
27 that violations of commission orders or rules, in connection  
28 with the impairment of a utility's operations or service,  
29 constitute irreparable harm for which there is no adequate  
30 remedy at law. Such remedies shall be in addition to and  
31 supplementary to any other remedies available for enforcement

1 of agency action under s. 120.69 or the provisions of this  
2 chapter. The commission shall establish procedures  
3 implementing this section by rule. ~~and~~

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

8 Section 69. Section 368.05, Florida Statutes, is  
9 amended to read:

10 368.05 Commission jurisdiction, rules ~~and~~  
11 ~~regulations~~.--

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

26 (2) The commission shall have the power to perform any  
27 and all acts, ~~and to prescribe, issue, make, amend, and~~  
28 ~~rescind such orders, rules, and regulations not inconsistent~~  
29 ~~herewith as it may find~~ necessary or appropriate to the  
30 exercise of the authority granted under the provisions of this  
31 law. The commission has authority to adopt rules pursuant to

1 ss. 120.54 and 120.536(1) to implement provisions of law  
2 conferring duties upon it.The commission may require the  
3 filing of periodic reports and all other data reasonably  
4 necessary to determine whether the safety standards prescribed  
5 by it are being complied with; may require repairs and  
6 improvements to the gas transmission and distribution piping  
7 systems subject to this law which are reasonably necessary to  
8 promote the protection of the public; and may exercise all  
9 judicial powers, issue all writs, and do all things necessary  
10 or convenient to the full and complete exercise of its  
11 jurisdiction and the enforcement of its safety orders and  
12 rules ~~and regulations~~ adopted pursuant to this law.

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

16 Section 70. Subsection (6) of section 369.20, Florida  
17 Statutes, is amended to read:

18 369.20 Florida Aquatic Weed Control Act.--

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

28 Section 71. Subsection (11) of section 369.22, Florida  
29 Statutes, is amended to read:

30 369.22 Nonindigenous aquatic plant control.--

31

1           (11) The department shall adopt rules pursuant to ss.  
2 120.54 and 120.536(1) to implement the provisions of,~~amend,~~  
3 ~~or repeal all rules as necessary to carry out the duties,~~  
4 ~~obligations, and powers set forth in this section~~ conferring  
5 powers or duties upon it and perform any other acts necessary  
6 for the proper administration, enforcement, or interpretation  
7 of this section, including adopting rules and forms governing  
8 reports.

9           Section 72. Subsection (3) of section 369.251, Florida  
10 Statutes, is amended to read:

11           369.251 Invasive nonnative plants; prohibitions;  
12 study; removal; rules.--

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

24           Section 73. Subsection (1) of section 370.021, Florida  
25 Statutes, is amended to read:

26           370.021 Administration; rules, publications, records;  
27 penalty for violation of chapter; injunctions.--

28           (1) ~~RULES AND REGULATIONS.~~--The Department of  
29 Environmental Protection has authority to adopt rules pursuant  
30 to ss. 120.54 and 120.536(1) to implement provisions of law  
31 conferring powers or duties upon it ~~shall make, adopt,~~

1 ~~promulgate, amend, and repeal all rules and regulations~~  
2 ~~necessary or convenient for the carrying out of the duties,~~  
3 ~~obligations, powers, and responsibilities conferred on the~~  
4 ~~department or any of its divisions.~~ The director of each  
5 division shall submit to the department suggested rules and  
6 regulations for that division. Any person violating or  
7 otherwise failing to comply with any of the rules and  
8 regulations adopted as aforesaid is guilty of a misdemeanor of  
9 the second degree, punishable as provided in s. 775.082 or s.  
10 775.083, unless otherwise provided by law.

11 Section 74. Subsection (5) of section 370.092, Florida  
12 Statutes, is amended to read:

13 370.092 Carriage of proscribed nets across Florida  
14 waters.--

15 (5) The department has authority to adopt rules  
16 pursuant to ss. 120.54 and 120.536(1) to implement the  
17 provisions of ~~is authorized to make and adopt reasonable~~  
18 ~~rules, regulations, and orders, including emergency rules, to~~  
19 ~~implement this section. The department shall adopt emergency~~  
20 ~~rules to implement the provisions of subparagraph (4)(c)1. by~~  
21 ~~August 1, 1996.~~

22 Section 75. Subsection (1) of section 370.15, Florida  
23 Statutes, is amended to read:

24 370.15 Shrimp; regulation.--

25 (1) GENERAL AUTHORITY; CONSERVATION.--The department  
26 has authority to adopt rules pursuant to ss. 120.54 and  
27 120.536(1) to implement the provisions of this section. The  
28 department shall encourage ~~is authorized and directed to~~  
29 ~~adopt, promulgate, and enforce rules and regulations~~  
30 ~~consistent with the provisions of this section and the general~~  
31 ~~policy of encouraging the production of the maximum sustained~~

1 yield consistent with the preservation and protection of  
2 breeding stock, taking into consideration the recommendations  
3 of the various marine laboratories, as well as those of  
4 interested and experienced groups of private citizens. ~~Such~~  
5 Rules shall ~~and regulations are to~~ control the method, manner,  
6 and equipment used in the taking of shrimp or prawn, as well  
7 as limiting and defining the areas where taken.

8 Section 76. Section 373.043, Florida Statutes, is  
9 amended to read:

10 373.043 Adoption and enforcement of rules ~~regulations~~  
11 by the department.--The department has authority to adopt  
12 rules pursuant to ss. 120.54 and 120.536(1) ~~shall adopt,~~  
13 ~~promulgate, and enforce such regulations and review procedures~~  
14 ~~as may be necessary or convenient to~~ implement ~~administer~~ the  
15 provisions of this chapter.

16 Section 77. Section 373.044, Florida Statutes, is  
17 amended to read:

18 373.044 Rules ~~and regulations;~~ enforcement;  
19 availability of personnel rules.--~~In administering this~~  
20 ~~chapter,~~The governing board of the district is authorized to  
21 ~~make and adopt~~ rules pursuant to ss. 120.54 and 120.536(1) to  
22 implement the provisions of this chapter. ~~reasonable rules,~~  
23 ~~regulations, and orders which are consistent with law; and~~  
24 ~~such~~ Rules, ~~regulations,~~ and orders may be enforced by  
25 mandatory injunction or other appropriate action in the courts  
26 of the state. Rules relating to personnel matters shall be  
27 made available to the public and affected persons at no more  
28 than cost but need not be published in the Florida  
29 Administrative Code or the Florida Administrative Weekly.

30 Section 78. Section 373.113, Florida Statutes, is  
31 amended to read:

1           373.113 Adoption of rules ~~regulations~~ by the governing  
2 board.--In administering the provisions of this chapter the  
3 governing board has authority to adopt rules pursuant to ss.  
4 120.54 and 120.536(1) to implement provisions of law  
5 conferring powers or duties upon it ~~shall adopt, promulgate,~~  
6 ~~and enforce such regulations as may be reasonably necessary to~~  
7 ~~effectuate its powers, duties, and functions pursuant to the~~  
8 ~~provisions of chapter 120.~~

9           Section 79. Section 373.171, Florida Statutes, is  
10 amended to read:

11           373.171 Rules ~~and regulations~~.--

12           (1) In order to obtain the most beneficial use of the  
13 water resources of the state and to protect the public health,  
14 safety, and welfare and the interests of the water users  
15 affected, governing boards, by action not inconsistent with  
16 the other provisions of this law and without impairing  
17 property rights, may:

18           (a) Adopt ~~Establish~~ rules, ~~regulations,~~ or issue  
19 orders affecting the use of water, as conditions warrant, and  
20 forbidding the construction of new diversion facilities or  
21 wells, the initiation of new water uses, or the modification  
22 of any existing uses, diversion facilities, or storage  
23 facilities within the affected area.

24           (b) ~~Regulate~~ the use of water within the affected area  
25 by apportioning, limiting, or rotating uses of water or by  
26 preventing those uses which the governing board finds have  
27 ceased to be reasonable or beneficial.

28           (c) Issue orders and adopt rules pursuant to ss.  
29 120.54 and 120.536(1) to implement the provisions of this  
30 chapter ~~Make other rules, regulations, and orders necessary~~

31

1 ~~for the preservation of the interests of the public and of~~  
2 ~~affected water users.~~

3 (2) In adopting ~~promulgating~~ rules and regulations and  
4 issuing orders under this law, the governing board shall act  
5 with a view to full protection of the existing rights to water  
6 in this state insofar as is consistent with the purpose of  
7 this law.

8 (3) No rule, ~~regulation~~ or order shall require any  
9 modification of existing use or disposition of water in the  
10 district unless it is shown that the use or disposition  
11 proposed to be modified is detrimental to other water users or  
12 to the water resources of the state.

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

17 Section 80. Section 373.337, Florida Statutes, is  
18 amended to read:

19 373.337 Rules.--The department shall, ~~by July 1, 1989,~~  
20 adopt rules pursuant to ss. 120.54 and 120.536(1) to implement  
21 the provisions of this part, providing each water management  
22 district and representatives of the water well contracting  
23 industry with meaningful opportunity to participate in the  
24 development of the rules as they are drafted. The rules shall  
25 be adopted by each water management district.

26 Section 81. Subsection (3) of section 373.418, Florida  
27 Statutes, is amended to read:

28 373.418 Rulemaking; preservation of existing  
29 authority.--

30 (3) The department or governing boards have authority  
31 to may adopt ~~such~~ rules pursuant to ss. 120.54 and 120.536(1)



1 ~~as are necessary~~ to implement the provisions of this part.  
2 Such rules shall be consistent with the water resource  
3 implementation rule and shall not allow harm to water  
4 resources or be contrary to the policy set forth in s.  
5 373.016.

6 Section 82. Section 376.07, Florida Statutes, is  
7 amended to read:

8 376.07 Regulatory powers of department; penalties for  
9 inadequate booming by terminal facilities.--~~The department~~  
10 ~~shall from time to time adopt, amend, repeal, and enforce~~  
11 ~~reasonable rules insofar as they relate to discharges of~~  
12 ~~pollutants into the waters of this state or onto the coasts of~~  
13 ~~this state.~~

14 (1) The department shall adopt rules pursuant to ss.  
15 120.54 and 120.536(1) to implement ss. 376.011-376.21 rules  
16 ~~shall be adopted in accordance with the Administrative~~  
17 ~~Procedure Act, chapter 120.~~

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

20 (a) Operation and inspection requirements for  
21 discharge prevention, abatement, and cleanup capabilities of  
22 terminal facilities and vessels, and other matters relating to  
23 certification under ss. 376.011-376.21.

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

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

29 (d) Development and implementation of criteria and  
30 plans to meet pollution occurrences of various degrees and  
31 kinds.

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

24           (f) Requirements for minimum weather and sea  
25 conditions for permitting a vessel to enter port and for the  
26 safety and operation of vessels, barges, tugs, motor vehicles,  
27 motorized equipment, and other equipment relating to the use  
28 and operation of terminals, facilities, and refineries, the  
29 approach and departure from terminals, facilities, and  
30 refineries, and requirements that containment gear approved by  
31 the department be on hand and maintained by terminal

1 facilities and refineries with adequate personnel trained in  
2 its use.

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

6 1. Any discharges of pollutants the vessel has had  
7 since leaving the last port.

8 2. Any mechanical problem on the vessel which creates  
9 the possibility of a discharge.

10 3. Any denial of entry into any port during the  
11 current cruise of the vessel.

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

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

25 (3) The department shall not require vessels to  
26 maintain discharge prevention gear, holding tanks, and  
27 containment gear which exceed federal requirements. However,  
28 a terminal facility transferring heavy oil to or from a vessel  
29 with a heavy oil storage capacity greater than 10,000 gallons  
30 shall be required, considering existing weather and tidal  
31 conditions, to adequately boom or seal off the transfer area

1 during a transfer, including, but not limited to, a bunkering  
2 operation, to minimize the escape of such pollutants from the  
3 containment area. As used in this subsection, the term  
4 "adequate booming" means booming with proper containment  
5 equipment which is employed and located for the purpose of  
6 preventing, for the most likely discharge, as much of the  
7 pollutant as possible from escaping out of the containment  
8 area.

9 (a) The owner or operator of a terminal facility  
10 involved in the transfer of such pollutant to or from a vessel  
11 which is not adequately boomed commits a noncriminal  
12 infraction and shall be cited for such infraction. The civil  
13 penalty for such an infraction shall be \$2,500, except as  
14 otherwise provided in this section.

15 (b) Any person cited for an infraction under this  
16 section may:

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

22  
23 The officer authorized to issue these citations may indicate  
24 on the citation the time and location of the scheduled hearing  
25 and shall indicate the applicable civil penalty.

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

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

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

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

5  
6 A person cited for an infraction under this section who pays  
7 the civil penalty or forfeits the bond has admitted the  
8 infraction and waives the right to a hearing on the issue of  
9 commission of the infraction. Such admission may not be used  
10 as evidence in any other proceedings.

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

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

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

30           Section 83. Section 377.22, Florida Statutes, is  
31 amended to read:

1           377.22 Rules, ~~regulations,~~ and orders.--

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

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

23           (a) To require the drilling, casing, and plugging of  
24 wells to be done in such a manner as to prevent the pollution  
25 of the fresh, salt, or brackish waters or the lands of the  
26 state.

27           (b) To prevent the alteration of the sheet flow of  
28 water in any area.

29           (c) To require that appropriate safety equipment be  
30 installed to minimize the possibility of an escape of oil or  
31 other petroleum products in the event of accident, human

1 error, or a natural disaster during drilling, casing, or  
2 plugging of any well and during extraction operations.

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

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

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

17 (g) To require and carry out a reasonable program of  
18 monitoring or inspection of all drilling operations or  
19 producing wells, including regular inspections by division  
20 personnel.

21 (h) To require the making of reports showing the  
22 location of all oil and gas wells; the making and filing of  
23 logs; the taking and filing of directional surveys; the filing  
24 of electrical, sonic, radioactive, and mechanical logs of oil  
25 and gas wells; if taken, the saving of cutting and cores, the  
26 cuts of which shall be given to the Bureau of Geology; and the  
27 making of reports with respect to drilling and production  
28 records. However, such information, or any part thereof, at  
29 the request of the operator, shall be exempt from the  
30 provisions of s. 119.07(1) and held confidential by the  
31

1 | division for a period of 1 year after the completion of a  
2 | well.

3 |       (i) To prevent wells from being drilled, operated, or  
4 | produced in such a manner as to cause injury to neighboring  
5 | leases or property.

6 |       (j) To prevent the drowning by water of any stratum,  
7 | or part thereof, capable of producing oil or gas in paying  
8 | quantities and to prevent the premature and irregular  
9 | encroachment of water which reduces, or tends to reduce, the  
10 | total ultimate recovery of oil or gas from any pool.

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

13 |       (l) To prevent "blowouts," "caving," and "seepage," in  
14 | the sense that conditions indicated by such terms are  
15 | generally understood in the oil and gas business.

16 |       (m) To prevent fires.

17 |       (n) To identify the ownership of all oil or gas wells,  
18 | producing leases, refineries, tanks, plants, structures, and  
19 | storage and transportation equipment and facilities.

20 |       (o) To regulate the "shooting," perforating and  
21 | chemical treatment of wells.

22 |       (p) To regulate secondary recovery methods, including  
23 | the introduction of gas, air, water, or other substance into  
24 | producing formations.

25 |       (q) To regulate gas cycling operations.

26 |       (r) If necessary for the prevention of waste, as  
27 | herein defined, to determine, limit, and prorate the  
28 | production of oil or gas, or both, from any pool or field in  
29 | the state.

30 |       (s) To require, either generally or in or from  
31 | particular areas, certificates of clearance or tenders in



1 connection with the transportation or delivery of oil or gas,  
2 or any product.

3 (t) To regulate the spacing of wells and to establish  
4 drilling units.

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

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

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

14 (x) To act in a receivership capacity for fractional  
15 mineral interests for which the owners are unknown or  
16 unlocated and to administratively designate the operator as  
17 the lessee.

18 Section 84. Paragraph (g) of subsection (3) of section  
19 377.703, Florida Statutes, is amended to read:

20 377.703 Additional functions of the Department of  
21 Community Affairs; energy emergency contingency plan; federal  
22 and state conservation programs.--

23 (3) DEPARTMENT OF COMMUNITY AFFAIRS; DUTIES.--The  
24 Department of Community Affairs shall, in addition to assuming  
25 the duties and responsibilities provided by ss. 20.18 and  
26 377.701, perform the following functions consistent with the  
27 development of a state energy policy:

28 (g) The department has authority to adopt rules  
29 pursuant to ss. 120.54 and 120.536(1) to implement the  
30 provisions of ~~is authorized to make any rules or regulations~~

31

1 ~~pursuant to chapter 120 as are necessary to carry out the~~  
2 ~~purposes of this act.~~

3 Section 85. Paragraph (d) of subsection (1) of section  
4 378.205, Florida Statutes, is amended to read:

5 378.205 Administration; powers and duties of the  
6 department; agency review responsibility.--

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

9 (d) To adopt ~~those~~ rules pursuant to ss. 120.54 and  
10 120.536(1)~~necessary to implement the provisions of administer~~  
11 this part.

12 Section 86. Subsection (1) of section 378.404, Florida  
13 Statutes, is amended to read:

14 378.404 Department of Environmental Protection; powers  
15 and duties.--The department shall have the following powers  
16 and duties:

17 (1) To adopt rules pursuant to ss. 120.54 and  
18 120.536(1)~~procedural rules~~ to implement the provisions of  
19 this part.

20 Section 87. Paragraph (c) of subsection (22) of  
21 section 380.05, Florida Statutes, is amended to read:

22 380.05 Areas of critical state concern.--

23 (22) All state agencies with rulemaking authority for  
24 programs that affect a designated area of critical state  
25 concern shall review those programs for consistency with the  
26 purpose of the designation and principles for guiding  
27 development, and shall adopt specific permitting standards and  
28 criteria applicable in the designated area, or otherwise amend  
29 the program, as necessary to further the purpose of the  
30 designation.

31

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

4           Section 88. Paragraph (f) of subsection (4) of section  
5 380.0651, Florida Statutes, is amended to read:

6           380.0651 Statewide guidelines and standards.--

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

12           (f) ~~Pursuant to chapter 120,~~The state land planning  
13 agency has authority to adopt rules pursuant to ss. 120.54 and  
14 120.536(1) to implement the provisions of ~~shall adopt rules as~~  
15 ~~necessary to implement~~ this subsection.

16           Section 89. Subsection (13) of section 381.0011,  
17 Florida Statutes, is amended to read:

18           381.0011 Duties and powers of the Department of  
19 Health.--It is the duty of the Department of Health to:

20           (13) ~~Adopt, repeal, and amend~~ rules pursuant to ss.  
21 120.54 and 120.536(1) to implement the provisions of law  
22 conferring duties upon it ~~consistent with law~~. This  
23 subsection does not authorize the department to require a  
24 permit or license unless such requirement is specifically  
25 provided by law.

26           Section 90. Section 384.33, Florida Statutes, is  
27 amended to read:

28           384.33 Rules.--The department may adopt rules pursuant  
29 to ss. 120.54 and 120.536(1)to implement ~~carry out~~ the  
30 provisions of this chapter.

31

1           Section 91. Subsection (12) of section 391.026,  
2 Florida Statutes, is amended to read:

3           391.026 Powers and duties of the department.--To  
4 administer its programs of children's medical services, the  
5 department shall have the following powers, duties, and  
6 responsibilities:

7           (12) To adopt rules pursuant to ss. 120.54 and  
8 120.536(1) to implement ~~make rules to carry out~~ the provisions  
9 of this act.

10          Section 92. Section 392.66, Florida Statutes, is  
11 amended to read:

12          392.66 Rules.--The department shall adopt rules  
13 pursuant to ss. 120.54 and 120.536(1)to implement ~~carry out~~  
14 the provisions of this chapter.

15          Section 93. Subsection (1) of section 394.879, Florida  
16 Statutes, is amended to read:

17          394.879 Rules; enforcement.--

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

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

25           (b) Adequate space is provided each client of a  
26 licensed facility.

27           (c) Licensed facilities are limited to an appropriate  
28 number of beds.

29           (d) Each licensee establishes and implements adequate  
30 infection control, housekeeping, sanitation, disaster  
31 planning, and medical recordkeeping.

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

4 Section 94. Subsection (1) of section 395.1055,  
5 Florida Statutes, is amended to read:

6 395.1055 Rules and enforcement.--

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

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

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

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

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

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

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

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

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

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

31

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

10 Section 95. Subsection (7) of section 403.061, Florida  
11 Statutes, is amended to read:

12 403.061 Department; powers and duties.--The department  
13 shall have the power and the duty to control and prohibit  
14 pollution of air and water in accordance with the law and  
15 rules adopted and promulgated by it and, for this purpose, to:

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

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

15

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

21 Section 96. Paragraph (a) of subsection (5) and  
22 subsection (10) of section 403.1835, Florida Statutes, are  
23 amended to read:

24 403.1835 Sewage treatment facilities revolving loan  
25 program.--

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



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

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

16           Section 97. Subsection (1) of section 403.504, Florida  
17 Statutes, is amended to read:

18           403.504 Department of Environmental Protection; powers  
19 and duties enumerated.--The department shall have the  
20 following powers and duties in relation to this act:

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

26           Section 98. Subsection (1) of section 403.523, Florida  
27 Statutes, is amended to read:

28           403.523 Department of Environmental Protection; powers  
29 and duties.--The department shall have the following powers  
30 and duties:

31

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 99. 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

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 100. 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 101. 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

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 102. 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 103. 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 104. 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

1 provisions of ss. 403.9401-403.9425 and to adopt ~~or amend~~  
2 rules to implement the provisions of subsection (8).

3 Section 105. Section 406.04, Florida Statutes, is  
4 amended to read:

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

14 Section 106. Subsection (8) of section 408.15, Florida  
15 Statutes, is amended to read:

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

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

22 Section 107. Section 414.45, Florida Statutes, is  
23 amended to read:

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

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

6 Section 108. Subsection (10) of section 427.013,  
7 Florida Statutes, is amended to read:

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

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

23 Section 109. Section 430.08, Florida Statutes, is  
24 amended to read:

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

29 Section 110. Section 440.591, Florida Statutes, is  
30 amended to read:

31

1           440.591 Administrative procedure; rulemaking  
2 authority.--The division has authority to adopt rules pursuant  
3 to ss. 120.54 and 120.536(1) to implement the provisions of  
4 ~~shall have the authority to adopt rules to govern the~~  
5 ~~performance of any programs, duties, or responsibilities with~~  
6 ~~which it is charged under this chapter~~ conferring duties upon  
7 it.

8           Section 111. Paragraph (a) of subsection (2) of  
9 section 443.171, Florida Statutes, is amended to read:

10           443.171 Division and commission; powers and duties;  
11 rules; advisory council; records and reports.--

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

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

18           Section 112. Subsection (5) of section 455.203,  
19 Florida Statutes, is amended to read:

20           455.203 Department; powers and duties.--The  
21 department, for the boards under its jurisdiction, shall:

22           (5) Adopt ~~all~~ rules pursuant to ss. 120.54 and  
23 120.536(1)~~necessary~~ to implement the provisions of ~~administer~~  
24 this part.

25           Section 113. Subsection (5) of section 455.521,  
26 Florida Statutes, is amended to read:

27           455.521 Department; powers and duties.--The  
28 department, for the boards under its jurisdiction, shall:

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

1           Section 114. Section 457.104, Florida Statutes, is  
2 amended to read:

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

9           Section 115. Subsection (1) of section 458.309,  
10 Florida Statutes, is amended to read:

11           458.309 Authority to make rules.--

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

19           Section 116. Section 459.005, Florida Statutes, is  
20 amended to read:

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

28           Section 117. Section 460.405, Florida Statutes, is  
29 amended to read:

30           460.405 Authority to make rules.--The Board of  
31 Chiropractic has authority to adopt rules pursuant to ss.



1 120.54 and 120.536(1) to implement the provisions of is  
2 ~~authorized to make such rules not inconsistent with law as are~~  
3 ~~necessary to carry out the duties and authority conferred upon~~  
4 ~~the board by this chapter~~ conferring duties upon it.

5 Section 118. Section 461.005, Florida Statutes, is  
6 amended to read:

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

15 Section 119. Subsection (1) of section 463.005,  
16 Florida Statutes, is amended to read:

17 463.005 Authority of the board.--

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

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

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

30 (c) Minimum procedures which shall constitute a visual  
31 examination.

1 (d) Procedures for the safekeeping and transfer of  
2 prescription files or case records upon the discontinuance of  
3 practice.

4 (e) Supervision of supportive personnel.

5 (f) Courses and procedures for continuing education.

6 (g) Administration and prescription of topical ocular  
7 pharmaceutical agents.

8 Section 120. Section 464.006, Florida Statutes, is  
9 amended to read:

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

16 Section 121. Section 465.005, Florida Statutes, is  
17 amended to read:

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

24 Section 122. Subsection (1) of section 465.022,  
25 Florida Statutes, is amended to read:

26 465.022 Pharmacies; general requirements; fees.--

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

- 1 (a) General drug safety measures.
- 2 (b) Minimum standards for the physical facilities of  
3 pharmacies.
- 4 (c) Safe storage of floor-stock drugs.
- 5 (d) Functions of a pharmacist in an institutional  
6 pharmacy, consistent with the size and scope of the pharmacy.
- 7 (e) Procedures for the safe storage and handling of  
8 radioactive drugs.
- 9 (f) Procedures for the distribution and disposition of  
10 medicinal drugs distributed pursuant to s. 499.028.
- 11 (g) Procedures for transfer of prescription files and  
12 medicinal drugs upon the change of ownership or closing of a  
13 pharmacy.
- 14 (h) Minimum equipment which a pharmacy shall at all  
15 times possess to fill prescriptions properly.
- 16 Section 123. Subsection (4) of section 466.004,  
17 Florida Statutes, is amended to read:
- 18 466.004 Board of Dentistry.--
- 19 (4) The board is authorized to adopt ~~all~~ rules  
20 pursuant to ss. 120.54 and 120.536(1)~~necessary~~ to implement  
21 ~~carry out~~ the provisions of this chapter and chapter 455,  
22 including the establishment of a fee to defray the cost of  
23 duplicating any license certification or permit, not to exceed  
24 \$10 per duplication.
- 25 Section 124. Section 466.038, Florida Statutes, is  
26 amended to read:
- 27 466.038 Rules.--The department ~~may~~, upon consultation  
28 with the Board of Dentistry and industry representatives of  
29 the dental laboratory profession, has authority to adopt rules  
30 pursuant to ss. 120.54 and 120.536(1)~~promulgate all rules~~
- 31

1 ~~necessary~~ to enforce the provisions of this chapter pertaining  
2 to and regulating dental laboratories.

3 Section 125. Section 467.005, Florida Statutes, is  
4 amended to read:

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

15 Section 126. Paragraph (a) of subsection (4) of  
16 section 468.1135, Florida Statutes, is amended to read:

17 468.1135 Board of Speech-Language Pathology and  
18 Audiology.--

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

25 Section 127. Subsection (1) of section 468.1685,  
26 Florida Statutes, is amended to read:

27 468.1685 Powers and duties of board and  
28 department.--It is the function and duty of the board,  
29 together with the department, to:

30 (1) Adopt rules pursuant to ss. 120.54 and 120.536(1)  
31 to implement the provisions of ~~Make such rules not~~

1 ~~inconsistent with law as are necessary to carry out the duties~~  
2 ~~and authority conferred upon the board by this part conferring~~  
3 ~~duties upon the board.~~

4 Section 128. Section 468.204, Florida Statutes, is  
5 amended to read:

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

13 Section 129. Subsection (2) of section 468.384,  
14 Florida Statutes, is amended to read:

15 468.384 Florida Board of Auctioneers.--

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

22 Section 130. Subsection (3) of section 468.402,  
23 Florida Statutes, is amended to read:

24 468.402 Duties of the department; authority to issue  
25 and revoke license; adoption of rules.--

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

1           Section 131. Section 468.507, Florida Statutes, is  
2 amended to read:

3           468.507 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 and chapter  
8 455 conferring duties upon it. The powers and duties of the  
9 board as set forth in this part shall in no way limit or  
10 interfere with the powers and duties of the board as set forth  
11 in chapter 458. All powers and duties of the board set forth  
12 in this part shall be supplemental and additional powers and  
13 duties to those conferred upon the board by chapter 458.

14           Section 132. Section 468.522, Florida Statutes, is  
15 amended to read:

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

21           Section 133. Subsection (1) of section 468.606,  
22 Florida Statutes, is amended to read:

23           468.606 Authority of the board.--The board is  
24 authorized to:

25           (1) Adopt rules pursuant to ss. 120.54 and 120.536(1)  
26 as necessary to implement ~~carry out~~ the provisions of this  
27 part.

28           Section 134. Section 468.705, Florida Statutes, is  
29 amended to read:

30           468.705 Rulemaking authority.--The department is  
31 authorized to adopt ~~such~~ rules pursuant to ss. 120.54 and

1 120.536(1) to implement provisions of not inconsistent with  
2 ~~law as may be necessary to carry out the duties and authority~~  
3 ~~conferred on the department by this part~~ conferring duties  
4 upon it and as may be necessary to protect the health, safety,  
5 ~~and welfare of the public.~~ Such rules shall include, but not  
6 be limited to, the allowable scope of practice regarding the  
7 use of equipment, procedures, and medication.

8 Section 135. Section 468.802, Florida Statutes, is  
9 amended to read:

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

15 Section 136. Subsection (1) of section 470.005,  
16 Florida Statutes, is amended to read:

17 470.005 Rulemaking authority of board and  
18 department.--

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

1           Section 137. Section 471.008, Florida Statutes, is  
2 amended to read:

3           471.008 Rules of the board.--The board has authority  
4 to may adopt such rules pursuant to ss. 120.54 and 120.536(1)  
5 to implement provisions of not inconsistent with law as may be  
6 necessary to carry out the duties and authority conferred upon  
7 the board by this chapter or chapter 455 conferring duties  
8 upon it.

9           Section 138. Section 472.008, Florida Statutes, is  
10 amended to read:

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

17           Section 139. Subsection (1) of section 473.304,  
18 Florida Statutes, is amended to read:

19           473.304 Rules of board; powers and duties; legal  
20 services.--

21           (1) The board shall adopt ~~all~~ rules pursuant to ss.  
22 120.54 and 120.536(1) necessary to implement the provisions of  
23 ~~administer~~ this act. Every licensee shall be governed and  
24 controlled by this act and the rules adopted by the board.

25           Section 140. Section 474.206, Florida Statutes, is  
26 amended to read:

27           474.206 Authority to make rules.--The board has  
28 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)  
29 to implement the provisions of is authorized to make such  
30 rules not inconsistent with law as may be necessary to carry  
31 out the duties and authority conferred upon the board by this



1 ~~chapter conferring duties upon it and as may be necessary to~~  
2 ~~protect the health, safety, and welfare of the public.~~

3 Section 141. Section 475.05, Florida Statutes, is  
4 amended to read:

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

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

22 Section 142. Section 475.614, Florida Statutes, is  
23 amended to read:

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

1 proceedings before it, having regard to this section and the  
2 rules then in force.

3 Section 143. Subsection (4) of section 476.064,  
4 Florida Statutes, is amended to read:

5 476.064 Organization; headquarters; personnel;  
6 meetings.--

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

11 Section 144. Section 477.016, Florida Statutes, is  
12 amended to read:

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

19 Section 145. Subsection (1) of section 478.43, Florida  
20 Statutes, is amended to read:

21 478.43 Board of Medicine; powers and duties.--

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

27 Section 146. Subsection (7) of section 480.035,  
28 Florida Statutes, is amended to read:

29 480.035 Board of Massage Therapy.--

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

1 ~~promulgate such rules as are necessary to implement this~~  
2 chapter.

3 Section 147. Section 481.2055, Florida Statutes, is  
4 amended to read:

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

11 Section 148. Section 481.306, Florida Statutes, is  
12 amended to read:

13 481.306 Authority to make rules.--The board has  
14 authority to may adopt ~~such~~ rules pursuant to ss. 120.54 and  
15 120.536(1) to implement the provisions of, ~~not inconsistent~~  
16 ~~with law, as may be necessary to carry out the duties and~~  
17 ~~authority conferred upon the board by~~ this chapter and chapter  
18 455 conferring duties upon it.

19 Section 149. Section 482.051, Florida Statutes, is  
20 amended to read:

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

30 (1) That all pesticides or economic poisons be used  
31 only in accordance with the registered labels and labeling or

1 as directed by the United States Environmental Protection  
2 Agency or the department.

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

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

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

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

1 pesticide applied, the concentration of each substance in the  
2 mixture applied, and the total amount of pesticide applied.

3 Section 150. Subsection (4) of section 483.805,  
4 Florida Statutes, is amended to read:

5 483.805 Board of Clinical Laboratory Personnel.--

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

12 Section 151. Section 484.005, Florida Statutes, is  
13 amended to read:

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

22 (1) A standard of practice for opticians licensed  
23 pursuant to this part.

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

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

31

1           (4) A standard of practice for filling prescriptions  
2 for contact lenses and fitting, adapting, and dispensing  
3 contact lenses.

4           Section 152. Subsection (1) of section 484.044,  
5 Florida Statutes, is amended to read:

6           484.044 Authority to make rules.--

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

12           Section 153. Section 486.025, Florida Statutes, is  
13 amended to read:

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

29           Section 154. Section 488.02, Florida Statutes, is  
30 amended to read:

31

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

6           Section 155. Section 489.108, Florida Statutes, is  
7 amended to read:

8           489.108 Rulemaking authority of the board.--The board  
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 which are necessary~~  
12 ~~to carry out the duties and authority conferred upon it by~~  
13 this chapter conferring duties upon it.

14           Section 156. Subsection (3) of section 489.507,  
15 Florida Statutes, is amended to read:

16           489.507 Electrical Contractors' Licensing Board.--  
17           (3) The board has authority to adopt rules pursuant to  
18 ss. 120.54 and 120.536(1) to implement ~~shall have the~~  
19 ~~authority to make rules, consistent with law, as necessary to~~  
20 ~~carry out the provisions of this part.~~

21           Section 157. Subsection (4) of section 490.004,  
22 Florida Statutes, is amended to read:

23           490.004 Board of Psychology.--  
24           (4) The board shall adopt rules pursuant to ss. 120.54  
25 and 120.536(1)to implement the provisions of this chapter.

26           Section 158. Subsection (5) of section 491.004,  
27 Florida Statutes, is amended to read:

28           491.004 Board of Clinical Social Work, Marriage and  
29 Family Therapy, and Mental Health Counseling.--  
30  
31

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

4           Section 159. Section 492.104, Florida Statutes, is  
5 amended to read:

6           492.104 Authority to make rules.--The Board of  
7 Professional Geologists has authority to adopt rules pursuant  
8 to ss. 120.54 and 120.536(1) to implement ~~is authorized to~~  
9 ~~make such rules not inconsistent with law as may be necessary~~  
10 ~~to carry out the duties and authority conferred upon the board~~  
11 ~~by~~ ss. 492.101-492.1165. Every licensee shall be governed and  
12 controlled by ss. 492.101-492.1165 and the rules adopted by  
13 the board. The board is authorized to set, by rule, fees for  
14 application, examination, certificate of authorization, late  
15 renewal, initial licensure, and license renewal. These fees  
16 should not exceed the cost of implementing the application,  
17 examination, initial licensure, and license renewal or other  
18 administrative process.

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

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

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

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

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

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

31



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

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

6           Section 160. Subsection (2) of section 494.0011,  
7 Florida Statutes, is amended to read:

8           494.0011 Powers and duties of the department.--

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

13           Section 161. Section 496.424, Florida Statutes, is  
14 amended to read:

15           496.424 Rulemaking authority.--The department has the  
16 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)  
17 chapter 120 to implement the provisions of ss. 496.401-496.424  
18 or s. 496.426.

19           Section 162. Subsection (1) of section 497.103,  
20 Florida Statutes, is amended to read:

21           497.103 Rulemaking authority of board and  
22 department.--

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

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

5 Section 163. Subsection (5) of section 497.105,  
6 Florida Statutes, is amended to read:

7 497.105 Department of Banking and Finance; powers and  
8 duties.--The Department of Banking and Finance shall:

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

13 Section 164. Subsection (1) of section 498.007,  
14 Florida Statutes, is amended to read:

15 498.007 General powers and duties.--

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

20 Section 165. Paragraph (a) of subsection (6) of  
21 section 500.459, Florida Statutes, is amended to read:

22 500.459 Water vending machines.--

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

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

31

1           Section 166. Subsection (2) of section 501.014,  
2 Florida Statutes, is amended to read:

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

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

8           Section 167. Subsection (12) of section 501.143,  
9 Florida Statutes, is amended to read:

10           501.143 Dance Studio Act.--

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

14           Section 168. Section 501.626, Florida Statutes, is  
15 amended to read:

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

19           Section 169. Subsection (7) of section 502.014,  
20 Florida Statutes, is amended to read:

21           502.014 Powers and duties.--

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

30           (a) Standards for milk and milk products.

31

1 (b) Provisions for the production, transportation,  
2 processing, handling, sampling, examination, grading,  
3 labeling, and sale of all milk and milk products and imitation  
4 and substitute milk and milk products sold for public  
5 consumption in this state.

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

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

10 Section 170. Subsection (1) of section 503.031,  
11 Florida Statutes, is amended to read:

12 503.031 Powers of department.--The department may:

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

17 Section 171. Section 504.32, Florida Statutes, is  
18 amended to read:

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

27 Section 172. Section 516.22, Florida Statutes, is  
28 amended to read:

29 516.22 Rules Regulations; certified copies.--

30 (1) RULES REGULATIONS.--The department has authority  
31 to adopt rules pursuant to ss. 120.54 and 120.536(1) to

1 implement the provisions of law conferring duties upon it  
2 ~~shall have the power and authority to issue regulations.~~

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

10 Section 173. Subsection (3) of section 516.23, Florida  
11 Statutes, is amended to read:

12 516.23 Subpoenas; enforcement actions; rules.--

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

18 Section 174. Subsection (1) of section 517.03, Florida  
19 Statutes, is amended to read:

20 517.03 Power of department to make rules.--

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

1 governing reports. The department shall also have the  
2 nonexclusive power to define by rule any term, whether or not  
3 used in this chapter, insofar as the definition is not  
4 inconsistent with the provisions of this chapter.

5 Section 175. Subsection (5) of section 520.994,  
6 Florida Statutes, is amended to read:

7 520.994 Powers of department.--

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

14 Section 176. Section 526.09, Florida Statutes, is  
15 amended to read:

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

25 Section 177. Subsection (3) of section 531.41, Florida  
26 Statutes, is amended to read:

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

29 (3) Adopt ~~reasonable~~ rules pursuant to ss. 120.54 and  
30 120.536(1)to implement, interpret, or make specific the  
31

1 provisions of this chapter, ~~which rules shall have the force~~  
2 ~~and effect of law.~~

3

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

10 Section 178. Subsection (2) of section 548.003,  
11 Florida Statutes, is amended to read:

12 548.003 State Athletic Commission.--

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

18 Section 179. Section 553.76, Florida Statutes, is  
19 amended to read:

20 553.76 General powers of the board.--The board is  
21 authorized to:

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

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

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

31

1           Section 180. Subsection (3) of section 560.105,  
2 Florida Statutes, is amended to read:

3           560.105 Supervisory powers of the department;  
4 rulemaking.--Consistent with the purposes of the code, the  
5 department shall have:

6           (3) Power to issue ~~and publish rules, orders, and~~  
7 declaratory statements, disseminate information, and otherwise  
8 exercise its discretion to effectuate the purposes, policies,  
9 and provisions of the code and to adopt rules pursuant to ss.  
10 120.54 and 120.536(1) to interpret and implement the  
11 provisions of the code.

12           Section 181. Subsection (1) of section 561.11, Florida  
13 Statutes, is amended to read:

14           561.11 Power and authority of division.--

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

22           Section 182. Subsection (23) of section 570.07,  
23 Florida Statutes, is amended to read:

24           570.07 Department of Agriculture and Consumer  
25 Services; functions, powers, and duties.--The department shall  
26 have and exercise the following functions, powers, and duties:

27           (23) To adopt rules pursuant to ss. 120.54 and  
28 120.536(1) to implement provisions of law conferring duties  
29 upon it enact, amend, and repeal administrative rules as  
30 necessary.

31



1           Section 183. Section 571.05, Florida Statutes, is  
2 amended to read:

3           571.05 Rules.--The department by rule may design,  
4 determine, and adopt seals of quality for use in publicizing,  
5 advertising, and promoting agricultural products; prescribe  
6 minimum standards of quality and grade of agricultural  
7 products with which a seal of quality may be used; name and  
8 define market packages of agricultural products; fix a  
9 reasonable and equitable advertising and promotion fee for  
10 such market package of agricultural products; and otherwise  
11 adopt rules pursuant to ss. 120.54 and 120.536(1) to  
12 ~~interpret, implement, and make specific~~ the provisions of this  
13 part.

14           Section 184. Subsection (9) of section 571.24, Florida  
15 Statutes, is amended to read:

16           571.24 Purpose; duties of the division.--The purpose  
17 of this part is to authorize the division to establish and  
18 coordinate the Florida Agricultural Promotional Campaign. The  
19 duties of the division shall include, but are not limited to:

20           (9) Adopting rules pursuant to ss. 120.54 and  
21 120.536(1)~~Promulgating rules necessary~~ to implement the  
22 provisions of this part.

23           Section 185. Section 574.14, Florida Statutes, is  
24 amended to read:

25           574.14 Rules.--The Department of Agriculture and  
26 Consumer Services may adopt rules pursuant to ss. 120.54 and  
27 120.536(1)~~to implement, make specific, or interpret~~ the  
28 provisions of this chapter.

29           Section 186. Section 578.11, Florida Statutes, is  
30 amended to read:

31

1           578.11 Duties, authority, and rules ~~and regulations~~ of  
2 the department.--

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

18           (2) The department is authorized:

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

27           (b) To establish standards and tolerances to be  
28 followed in the administration of this law, which shall be in  
29 general accord with officially prescribed practices in  
30 interstate commerce.

31           (c) To prescribe uniform labels.

1 (d) To adopt prohibited and restricted noxious weed  
2 seed lists.

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

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

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

10 (h) To analyze samples, as requested by a consumer.  
11 The department shall establish, by rule, a fee schedule for  
12 analyzing samples at the request of a consumer. The fees  
13 shall be sufficient to cover the costs to the department for  
14 taking the samples and performing the analysis, not to exceed  
15 \$150 per sample.

16 (i) To adopt rules pursuant to ss. 120.54 and  
17 120.536(1) to implement the provisions of ~~prescribe such other~~  
18 ~~rules as may be necessary to secure the efficient enforcement~~  
19 ~~of this act.~~

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

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

28 (b) To issue and enforce a stop-sale notice or order  
29 to the owner or custodian of any lot of agricultural,  
30 vegetable, flower, or forest tree seed, which the department  
31 finds or has good reason to believe is in violation of any

1 provisions of this law, which shall prohibit further sale,  
2 barter, exchange, or distribution of such seed until the  
3 department is satisfied that the law has been complied with  
4 and has issued a written release or notice to the owner or  
5 custodian of such seed. After a stop-sale notice or order has  
6 been issued against or attached to any lot of seed and the  
7 owner or custodian of such seed has received confirmation that  
8 the seed does not comply with this law, she or he shall have  
9 15 days beyond the normal test period within which to comply  
10 with the law and obtain a written release of the seed. The  
11 provisions of this paragraph shall not be construed as  
12 limiting the right of the department to proceed as authorized  
13 by other sections of this law.

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

17 Section 187. Subsection (2) of section 580.036,  
18 Florida Statutes, is amended to read:

19 580.036 Powers and duties.--

20 (2) The department is authorized to adopt rules  
21 pursuant to ss. 120.54 and 120.536(1) to enforce the  
22 provisions ~~as necessary for the enforcement~~ of this chapter.  
23 These rules shall be consistent with the rules and standards  
24 of the United States Food and Drug Administration and the  
25 United States Department of Agriculture, when applicable, and  
26 shall include:

27 (a) Establishing definitions and reasonable standards  
28 for commercial feed or feedstuff and permissible tolerances  
29 for pesticide chemicals, chemical additives, nonnutritive  
30 ingredients, or drugs in or on commercial feed or feedstuff in  
31

1 such amounts as will ensure the safety of livestock and  
2 poultry and the products thereof used for human consumption.

3 (b) Adopting standards for the manufacture and  
4 distribution of medicated feed.

5 (c) Establishing definitions and reasonable standards  
6 for the certification of laboratories for the conduct of  
7 testing and analyses as required in this chapter.

8 (d) Establishing product labeling requirements for  
9 distributors.

10 (e) Limiting the use of drugs in commercial feed and  
11 prescribing feeding directions to be used to ensure safe usage  
12 of medicated feed.

13 (f) Establishing standards for evaluating  
14 quality-assurance/quality-control plans, including testing  
15 protocols, for exemptions to certified laboratory testing  
16 requirements.

17 Section 188. Section 583.04, Florida Statutes, is  
18 amended to read:

19 583.04 Promulgation of rules.--The department has  
20 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)  
21 to implement ~~may make and promulgate such rules as may be~~  
22 ~~necessary to carry out~~ the provisions of this chapter.

23 Section 189. Subsection (4) of section 585.002,  
24 Florida Statutes, is amended to read:

25 585.002 Department control; continuance of powers,  
26 duties, rules, orders, etc.--

27 (4) The department shall adopt rules pursuant to ss.  
28 120.54 and 120.536(1) to implement ~~promulgate rules to carry~~  
29 ~~out~~ the provisions of this chapter.

30 Section 190. Subsection (2) of section 593.103,  
31 Florida Statutes, is amended to read:

1           593.103 Powers and duties of department.--The  
2 department has the power and duty to:

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

6           Section 191. Section 616.165, Florida Statutes, is  
7 amended to read:

8           616.165 Rules.--The department shall adopt ~~all~~ rules  
9 pursuant to ss. 120.54 and 120.536(1)~~necessary to implement~~  
10 ~~carry out~~ the provisions of this chapter.

11           Section 192. Paragraph (j) of subsection (1) of  
12 section 616.256, Florida Statutes, is amended to read:

13           616.256 Powers of authority.--

14           (1) The authority shall have power to:

15           (j) Adopt rules pursuant to ss. 120.54 and 120.536(1)  
16 to implement provisions of law conferring duties upon it,  
17 ~~pursuant to chapter 120, rules necessary to carry out its~~  
18 ~~duties and responsibilities.~~

19           Section 193. Subsection (4) of section 617.01301,  
20 Florida Statutes, is amended to read:

21           617.01301 Powers of Department of State.--

22           (4) The Department of State shall have the power and  
23 authority reasonably necessary to enable it to administer this  
24 act efficiently, to perform the duties herein imposed upon it,  
25 and to adopt ~~reasonable~~ rules pursuant to ss. 120.54 and  
26 120.536(1) to implement the provisions of ~~necessary to carry~~  
27 ~~out its duties and functions under~~ this act conferring duties  
28 upon it.

29           Section 194. Subsection (4) of section 620.1835,  
30 Florida Statutes, is amended to read:

31

1           620.1835 Powers of Department of State;  
2 interrogatories.--

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

10           Section 195. Subsection (2) of section 620.81055,  
11 Florida Statutes, is amended to read:

12           620.81055 Fees for filing documents and issuing  
13 certificates; powers of the Department of State.--

14           (2) The Department of State has the power and  
15 authority reasonably necessary to enable it to administer this  
16 act efficiently, to perform the duties imposed upon it by this  
17 act, and to adopt ~~reasonable~~ rules pursuant to ss. 120.54 and  
18 120.536(1) to implement the provisions of ~~necessary to carry~~  
19 ~~out its duties and functions under~~ this act conferring duties  
20 upon it.

21           Section 196. Subsection (1) of section 624.308,  
22 Florida Statutes, is amended to read:

23           624.308 Rules.--

24           (1) The department has authority to ~~may~~ adopt  
25 ~~reasonable~~ rules pursuant to ss. 120.54 and 120.536(1) to  
26 implement provisions of law conferring duties upon it  
27 ~~necessary to effect any of the statutory duties of the~~  
28 ~~department. Such rules shall not extend, modify, or conflict~~  
29 ~~with any law of this state or the reasonable implications of~~  
30 ~~such laws.~~

31

1           Section 197. Section 624.4431, Florida Statutes, is  
2 amended to read:

3           624.4431 Administration; rules.--The administration of  
4 ss. 624.436-624.446 is vested in the department. The  
5 department has authority to ~~may~~ adopt ~~reasonable~~ rules  
6 pursuant to ss. 120.54 and 120.536(1) to implement the  
7 provisions of ss. 624.436-624.446.

8           Section 198. Subsection (1) of section 626.943,  
9 Florida Statutes, is amended to read:

10           626.943 Powers and duties of the department.--It is  
11 the function of the department to:

12           (1) Adopt rules pursuant to ss. 120.54 and 120.536(1)  
13 to implement the provisions of ~~Promulgate rules necessary to~~  
14 ~~carry out the duties conferred upon it under this part~~  
15 conferring duties upon it to protect the public health,  
16 safety, and welfare.

17           Section 199. Section 627.805, Florida Statutes, is  
18 amended to read:

19           627.805 Departmental regulation of variable and  
20 indeterminate value contracts; rules.--The department,  
21 notwithstanding any other provision of law, shall have the  
22 sole authority to regulate the issuance and sale of variable  
23 and indeterminate value contracts and has authority to adopt  
24 rules pursuant to ss. 120.54 and 120.536(1) to implement the  
25 ~~to issue such reasonable rules as may be necessary to carry~~  
26 ~~out the purposes and~~ provisions of this part.

27           Section 200. Section 627.9408, Florida Statutes, is  
28 amended to read:

29           627.9408 Rules.--The department has authority to ~~may~~  
30 adopt ~~such~~ rules pursuant to ss. 120.54 and 120.536(1) to  
31



1 ~~implement as are necessary and proper in furtherance of the~~  
2 provisions of this part.

3 Section 201. Section 628.535, Florida Statutes, is  
4 amended to read:

5 628.535 Authority to promulgate rules.--The department  
6 has authority to adopt rules pursuant to ss. 120.54 and  
7 120.536(1) to implement the provisions ~~may promulgate rules to~~  
8 ~~carry out the purposes~~ of this chapter.

9 Section 202. Section 633.01, Florida Statutes, is  
10 amended to read:

11 633.01 State Fire Marshal; powers and duties; rules.--

12 (1) The head of the Department of Insurance shall be  
13 designated as "State Fire Marshal." The State Fire Marshal  
14 has authority to adopt rules pursuant to ss. 120.54 and  
15 120.536(1)~~shall make and promulgate all rules necessary to~~  
16 ~~implement the provisions of this chapter~~ conferring powers or  
17 ~~which grant powers and impose duties upon the department on~~  
18 ~~the State Fire Marshal and to effectuate the enforcement of~~  
19 ~~such powers and duties.~~ Rules shall be in substantial  
20 conformity with generally accepted standards of firesafety;  
21 shall take into consideration the direct supervision of  
22 children in nonresidential child care facilities; and shall  
23 balance and temper the need of the State Fire Marshal to  
24 protect all Floridians from fire hazards with the social and  
25 economic inconveniences that may be caused or created by the  
26 rules. However, the department shall not adopt minimum  
27 firesafety standards, except to the extent required by s.  
28 394.879.

29 ~~(2) Subject to the limitations of subsection (1),~~  
30 ~~rules promulgated by the State Fire Marshal shall be such as~~  
31 ~~are reasonably necessary for the protection of the health,~~

1 ~~welfare, and safety of the public and shall be in substantial~~  
2 ~~conformity with generally accepted standards of firesafety.~~  
3 ~~In the promulgation of rules, the State Fire Marshal shall~~  
4 ~~give consideration to generally accepted standards of~~  
5 ~~firesafety.~~

6 (2)~~(3)~~ Subject to the limitations of subsection (1),  
7 it is the intent of the Legislature that the State Fire  
8 Marshal shall have the responsibility to minimize the loss of  
9 life and property in this state due to fire. The State Fire  
10 Marshal shall enforce all laws and provisions of this chapter,  
11 and any rules adopted pursuant thereto, relating to:

12 (a) The prevention of fire and explosion through the  
13 regulation of conditions which could cause fire or explosion,  
14 the spread of fire, and panic resulting therefrom;

15 (b) Installation and maintenance of fire alarm systems  
16 and fire protection systems, including fire suppression  
17 systems, fire-extinguishing equipment, and fire sprinkler  
18 systems;

19 (c)1. Servicing, repairing, recharging, testing,  
20 marking, inspecting, installing, maintaining, and tagging of  
21 fire extinguishers, preengineered systems, and individually  
22 designed fire protection systems;

23 2. The training and licensing of persons engaged in  
24 the business of servicing, repairing, recharging, testing,  
25 marking, inspecting, installing, maintaining, and tagging fire  
26 extinguishers, preengineered systems, and individually  
27 designed fire protection systems;

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

29 and

30 (e) Suppression of arson and the investigation of the  
31 cause, origin, and circumstances of fire.

1           ~~(3)(4)~~ The State Fire Marshal shall establish by rule  
2 guidelines and procedures for triennial renewal of firesafety  
3 inspector requirements for certification.

4           ~~(4)(5)~~ It is the intent of the Legislature that the  
5 rules promulgated by the State Fire Marshal pursuant to this  
6 section be enforced in such a manner as to prohibit the  
7 displacement of currently placed mobile homes unless there is  
8 a threat of imminent danger to the health, safety, or welfare  
9 of the general public. ~~Furthermore, it is the intent of the~~  
10 ~~Legislature that consideration be given to the social and~~  
11 ~~economic inconveniences which may be caused or created by the~~  
12 ~~rules promulgated by the State Fire Marshal pursuant to this~~  
13 ~~section.~~

14           ~~(6)~~ ~~It is the intent of the Legislature that the rules~~  
15 ~~adopted by the State Fire Marshal pursuant to this section be~~  
16 ~~promulgated in such a manner as to take into consideration the~~  
17 ~~direct supervision of children in nonresidential child care~~  
18 ~~facilities and to balance and temper the need of the State~~  
19 ~~Fire Marshal to protect all citizens from fire hazards with~~  
20 ~~the social and economic inconveniences which may be caused or~~  
21 ~~created by the rules promulgated by the State Fire Marshal~~  
22 ~~pursuant to this section.~~

23           Section 203. Subsection (1) of section 633.517,  
24 Florida Statutes, is amended to read:

25           633.517 Authority of State Fire Marshal to adopt  
26 rules, administer oaths, and take testimony.--

27           (1) The State Fire Marshal is authorized, with the  
28 advice of the board, to adopt rules pursuant to ss. 120.54 and  
29 120.536(1)and regulations to implement ~~carry out~~ the  
30 provisions of this act.  
31

1           Section 204. Section 634.021, Florida Statutes, is  
2 amended to read:

3           634.021 Powers of department; rules.--The department  
4 shall administer this act and to that end it has authority to  
5 ~~may adopt, promulgate, and enforce~~ rules pursuant to ss.  
6 120.54 and 120.536(1) to implement the necessary and proper to  
7 ~~effectuate any~~ provisions of this act.

8           Section 205. Section 634.302, Florida Statutes, is  
9 amended to read:

10           634.302 Powers of department; rules.--The department  
11 shall administer this part, and, to that end, it has authority  
12 to ~~may adopt, promulgate, and enforce~~ rules pursuant to ss.  
13 120.54 and 120.536(1) to implement the necessary and proper to  
14 ~~effectuate any~~ provisions of this part.

15           Section 206. Section 634.402, Florida Statutes, is  
16 amended to read:

17           634.402 Powers of department; rules.--The department  
18 shall administer this part, and to that end it has authority  
19 to ~~may adopt and enforce~~ rules pursuant to ss. 120.54 and  
20 120.536(1) to implement the provisions necessary and proper to  
21 ~~effectuate any provision~~ of this part.

22           Section 207. Section 635.081, Florida Statutes, is  
23 amended to read:

24           635.081 Administration and enforcement.--The  
25 department has authority to adopt rules pursuant to ss. 120.54  
26 and 120.536(1) to implement ~~shall adopt such rules as are~~  
27 ~~necessary to carry out~~ the provisions of this chapter and  
28 shall have the same powers of administration and enforcement  
29 of the provisions of this chapter as it has with respect to  
30 casualty or surety insurers in general under the Florida  
31 Insurance Code.

1 Section 208. Section 636.067, Florida Statutes, is  
2 amended to read:

3 636.067 Rules.--The department has authority to may,  
4 ~~after notice and hearing,~~ adopt rules pursuant to ss. 120.54  
5 and 120.536(1) to implement the provisions of ~~administer~~ this  
6 act. A violation of any such rule subjects the violator to  
7 the provisions of s. 636.048.

8 Section 209. Section 641.403, Florida Statutes, is  
9 amended to read:

10 641.403 Promulgation of rules.--The Department of  
11 Insurance has authority to adopt rules pursuant to ss. 120.54  
12 and 120.536(1) to implement ~~shall promulgate rules necessary~~  
13 ~~to carry out~~ the provisions of this part.

14 Section 210. Section 641.56, Florida Statutes, is  
15 amended to read:

16 641.56 Rulemaking authority.--The Agency for Health  
17 Care Administration has authority to adopt rules pursuant to  
18 ss. 120.54 and 120.536(1) to implement the provisions of is  
19 ~~authorized to make rules, not inconsistent with law, which may~~  
20 ~~be necessary to carry out the duties and authority conferred~~  
21 ~~upon it by this part~~ conferring duties upon it ~~and to protect~~  
22 ~~the health, safety, and welfare of the public.~~

23 Section 211. Paragraph (a) of subsection (1) of  
24 section 648.26, Florida Statutes, is amended to read:

25 648.26 Department of Insurance; administration.--

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

28 (a) The department has authority to may adopt rules  
29 pursuant to ss. 120.54 and 120.536(1) to implement the  
30 provisions of ~~necessary and proper to effect any of the duties~~

31

1 ~~or powers of the department provided in this chapter~~  
2 ~~conferring powers or duties upon it.~~

3 Section 212. Subsection (3) of section 651.015,  
4 Florida Statutes, is amended to read:

5 651.015 Administration; forms; fees; rules;  
6 fines.--The administration of this chapter is vested in the  
7 department, which shall:

8 (3) Adopt rules pursuant to ss. 120.54 and 120.536(1)  
9 to implement the provisions, ~~within the standards of this~~  
10 ~~chapter, necessary to effect the purposes of this chapter.~~  
11 ~~Specific provisions in this chapter relating to any subject~~  
12 ~~shall not preclude the department from adopting rules~~  
13 ~~concerning such subject if such rules are within the standards~~  
14 ~~and purposes of this chapter.~~

15 Section 213. Subsection (3) of section 655.012,  
16 Florida Statutes, is amended to read:

17 655.012 General supervisory powers of the department;  
18 rulemaking.--In addition to other powers conferred by the  
19 financial institutions codes, the department shall have:

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

27 Section 214. Section 681.118, Florida Statutes, is  
28 amended to read:

29 681.118 Rulemaking authority.--The Department of Legal  
30 Affairs shall adopt rules pursuant to ss. 120.54 and  
31 120.536(1) to implement the provisions of this chapter.

1           Section 215. Section 717.138, Florida Statutes, is  
2 amended to read:

3           717.138 Rulemaking authority.--The Department of  
4 Banking and Finance shall administer and provide for the  
5 enforcement of this chapter. The department has authority to  
6 adopt rules pursuant to ss. 120.54 and 120.536(1) to implement  
7 the provisions ~~is authorized to make rules and to perform such~~  
8 ~~other acts as are necessary or convenient for the proper~~  
9 ~~administration, enforcement, and interpretation~~ of this  
10 chapter.

11           Section 216. Paragraph (f) of subsection (1) of  
12 section 718.501, Florida Statutes, is amended to read:

13           718.501 Powers and duties of Division of Florida Land  
14 Sales, Condominiums, and Mobile Homes.--

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

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

30           Section 217. Paragraph (f) of subsection (1) of  
31 section 719.501, Florida Statutes, is amended to read:

1           719.501 Powers and duties of Division of Florida Land  
2 Sales, Condominiums, and Mobile Homes.--

3           (1) The Division of Florida Land Sales, Condominiums,  
4 and Mobile Homes of the Department of Business and  
5 Professional Regulation, referred to as the "division" in this  
6 part, in addition to other powers and duties prescribed by  
7 chapter 498, has the power to enforce and ensure compliance  
8 with the provisions of this chapter and rules promulgated  
9 pursuant hereto relating to the development, construction,  
10 sale, lease, ownership, operation, and management of  
11 residential cooperative units. In performing its duties, the  
12 division shall have the following powers and duties:

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

18           Section 218. Subsection (6) of section 721.26, Florida  
19 Statutes, is amended to read:

20           721.26 Regulation by division.--The division has the  
21 power to enforce and ensure compliance with the provisions of  
22 this chapter using the powers provided in this chapter, as  
23 well as the powers prescribed in chapters 498, 718, and 719.  
24 In performing its duties, the division shall have the  
25 following powers and duties:

26           (6) The division has authority to adopt rules pursuant  
27 to ss. 120.54 and 120.536(1) to implement and enforce the  
28 provisions of ~~is authorized to adopt, amend, or repeal rules~~  
29 ~~pursuant to chapter 120 as necessary to implement, enforce,~~  
30 ~~and interpret this chapter.~~

31



1           Section 219. Subsection (7) of section 723.006,  
2 Florida Statutes, is amended to read:

3           723.006 Powers and duties of division.--In performing  
4 its duties, the division has the following powers and duties:

5           (7) 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, which are necessary to implement, enforce, and~~  
9 ~~interpret this chapter.~~

10          Section 220. Section 916.20, Florida Statutes, is  
11 amended to read:

12          916.20 Operation and administration; rules.--

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

18          (2) The department has authority to adopt rules  
19 pursuant to ss. 120.54 and 120.536(1) to implement the  
20 provisions of this chapter ~~Rules of the department shall be~~  
21 ~~adopted in accordance with the provisions of chapter 120, the~~  
22 ~~Administrative Procedure Act.~~

23          Section 221. Subsection (4) of section 943.03, Florida  
24 Statutes, is amended to read:

25          943.03 Department of Law Enforcement.--

26          (4) ~~Pursuant to chapter 120,~~The department shall  
27 adopt ~~the~~ rules pursuant to ss. 120.54 and 120.536(1) to  
28 implement the provisions of ~~and regulations deemed necessary~~  
29 ~~to carry out its duties and responsibilities under this~~  
30 chapter conferring duties upon it.

31

1           Section 222. Subsection (1) of section 944.09, Florida  
2 Statutes, is amended to read:

3           944.09 Rules of the department; offenders,  
4 probationers, and parolees.--

5           (1) The department has authority to ~~shall~~ adopt rules  
6 pursuant to ss. 120.54 and 120.536(1) to implement its  
7 statutory authority. The rules must include rules relating to  
8 ~~governing the administration of the correctional system and~~  
9 ~~the operation of the department, which rules shall relate to:~~

10           (a) The rights of inmates.

11           (b) The ~~rules of~~ conduct to be observed by inmates and  
12 the categories of violations according to degrees or levels of  
13 severity, as well as the degrees of punishment applicable and  
14 appropriate to such violations.

15           (c) Disciplinary procedures and punishment.

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

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

20           (f) The development of a staffing formula for security  
21 positions in its residential facilities, taking into account  
22 the factors of leave time, security needs, and training  
23 requirements.

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

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

27           (i) Uniforms for inmates and custodial personnel.

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

29           (k) Classification of personnel and duties assigned  
30 thereto and classification and separation of offenders

31

1 according to age, sex, and such other factors as are deemed  
2 advisable.

3 (l) Credits for confinement prior to commitment to the  
4 department.

5 (m) Payments to prisoners for work performed. Such  
6 payments, if any, shall include restrictions on the use of  
7 earnings, including payments for support of dependents and  
8 release reserves. The rules shall provide that no payment  
9 shall be made to any prisoner who fails to perform the work  
10 assigned satisfactorily.

11 (n) Visiting hours and privileges. The rules shall  
12 provide that any inmate with a current or prior conviction for  
13 any offense contained in chapter 794, chapter 800, chapter  
14 827, or chapter 847 for committing or attempting to commit  
15 aggravated child abuse or committing or attempting to commit a  
16 sex act on, in the presence of, or against a child under the  
17 age of 16 years, shall not be allowed visitation with anyone  
18 under the age of 18 years, unless special visitation is  
19 approved by the superintendent. The authorization for special  
20 visitation shall be based on extenuating circumstances that  
21 serve the interest of the children. If visiting is restricted  
22 by court order, permission for special visitation may be  
23 granted only by the judge issuing the order.

24 (o) Mail to and from inmates, including rules  
25 specifying the circumstances under which an inmate must pay  
26 for the cost of postage for mail that the inmate sends. The  
27 department may not adopt a rule that requires an inmate to pay  
28 any postage costs that the state is constitutionally required  
29 to pay.

30  
31

1           (p) The feeding of prisoners, including diet and  
2 menus, and the furnishing of health and comfort items to  
3 indigent prisoners.

4           (q) The determination of restitution, including the  
5 amount and to whom it should be paid. The rules shall provide  
6 necessary explanation to support recommendations regarding  
7 restitution.

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

11           Section 223. Section 947.07, Florida Statutes, is  
12 amended to read:

13           947.07 Rules ~~and regulations.~~--The commission has  
14 authority to adopt rules pursuant to ss. 120.54 and 120.536(1)  
15 ~~shall have power to make such rules and regulations as it~~  
16 ~~deems best~~ for its governance, including among other things  
17 rules of practice and procedure and rules prescribing  
18 qualifications to be possessed by its employees.

19           Section 224. Paragraph (b) of subsection (1) of  
20 section 960.045, Florida Statutes, is amended to read:

21           960.045 Department of Legal Affairs; powers and  
22 duties.--It shall be the duty of the department to assist  
23 persons who are victims of crime.

24           (1) The department shall:

25           (b) ~~Adopt, promulgate, amend, and rescind such rules~~  
26 pursuant to ss. 120.54 and 120.536(1) to implement as are  
27 ~~necessary to carry out~~ the provisions of this chapter.

28           Section 225. Section 985.405, Florida Statutes, is  
29 amended to read:

30           985.405 Rules for implementation.--The Department of  
31 Juvenile Justice shall adopt rules pursuant to ss. 120.54 and

1 120.536(1) to implement the provisions of ~~for the efficient~~  
2 ~~and effective management of all programs, services,~~  
3 ~~facilities, and functions necessary for implementing this~~  
4 chapter. Such rules may not conflict with the Florida Rules of  
5 Juvenile Procedure. All rules and policies must conform to  
6 accepted standards of care and treatment.

7 Section 226. Subsection (1) of section 633.70, Florida  
8 Statutes, is amended to read:

9 633.70 Jurisdiction of State Fire Marshal over alarm  
10 system contractors and certified unlimited electrical  
11 contractors.--

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

24 Section 227. This act shall take effect July 1, 1998.

25  
26 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
27 COMMITTEE SUBSTITUTE FOR  
28 SB 2240

29 The Committee Substitute makes a number of technical changes  
30 to the bill, including, for example, correcting references to  
31 the Administrative Procedure Act and grammatical changes.