

By Senator Diaz

36-00449A-21

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1 A bill to be entitled
2 An act relating to legislative review of occupational
3 regulations; providing a short title; creating s.
4 11.65, F.S.; defining terms; establishing a schedule
5 for the systematic review of occupational regulatory
6 programs; providing legislative intent; providing that
7 amending or transferring a chapter or section with a
8 scheduled repeal does not affect the scheduled repeal;
9 providing for the abolition of personnel positions
10 responsible for repealed programs; providing for the
11 reversion of certain unexpended funds and the refund
12 of certain unencumbered revenue of a repealed program;
13 requiring the Department of Legal Affairs to prosecute
14 or defend certain pending causes of action; preempting
15 the regulation of an occupation to the state if the
16 occupation's regulatory program has been repealed
17 through this act; providing an exception; providing
18 construction; providing a schedule of repeal for
19 occupational regulatory programs; providing effective
20 dates.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. This act may be cited as the "Occupational
25 Regulation Sunset Act."

26 Section 2. Section 11.65, Florida Statutes, is created to
27 read:

28 11.65 Legislative review of occupational regulation.-

29 (1) As used in this section:

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30 (a) "Occupational regulatory program" or "program" means
31 any statutory regulatory provision or scheme which places a
32 condition on practicing an occupation, including, but not
33 limited to, programs that require a license, certification,
34 registration, or credential.

35 (b) "Local government" means a county, municipality,
36 special district, or political subdivision of the state.

37 (c) "Occupation" means a paid job, profession, work, line
38 of work, trade, employment, position, post, career, field,
39 vocation, or craft.

40 (2) There is established a schedule for systematic review
41 of the costs and benefits of occupational regulatory programs.
42 The Legislature intends to review each program before the
43 scheduled date on which each occupational regulatory program is
44 set to expire through scheduled repeal to determine whether to
45 allow the program to expire, renew the program without
46 modifications, renew the program with modifications, or provide
47 for other appropriate actions.

48 (3) If a chapter or section scheduled for review by this
49 act is subsequently amended or transferred, such subsequent
50 amendment or transfer, unless otherwise expressly provided in
51 the act amending or transferring such chapter or section, shall
52 not eliminate the scheduled repeal of such chapter or section.

53 (4) Within 60 days after the date on which any occupational
54 regulatory program is allowed to expire through scheduled repeal
55 under this act, the personnel positions which are responsible
56 for carrying out the program shall be abolished, and all
57 unexpended balances of appropriations, allocations, or other
58 funds for such program shall revert to the fund from which they

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59 were appropriated or, if that fund is abolished, to the General
60 Revenue Fund. Except as authorized under this section, all
61 regulatory activities related to the repealed program shall
62 cease after the date of repeal.

63 (5) Any remaining unencumbered revenue collected under an
64 occupational regulatory program allowed to expire through repeal
65 shall be refunded on a pro rata basis by the Chief Financial
66 Officer pursuant to s. 215.26, upon request of the person or
67 entity who paid, if such request is made within 1 year after the
68 repeal of the program.

69 (6) Any cause of action pending on the date the
70 occupational regulatory program was repealed, or any cause of
71 action brought thereafter, shall be prosecuted or defended in
72 the name of the state by the Department of Legal Affairs if,
73 prior to repeal, such action would have been prosecuted or
74 defended by the occupational regulatory program repealed by this
75 act.

76 (7) Any occupational regulatory program that expires
77 through scheduled repeal in accordance with this act may not be
78 subsequently regulated by a local government. The regulation of
79 any occupation repealed by this act is preempted to the state
80 unless local regulation of such occupation is expressly
81 authorized by law. The existing requirements of any occupational
82 regulatory program in this act which is saved from repeal
83 continue in full force and effect until otherwise amended.

84 Section 3. Pursuant to the Occupational Regulation Sunset
85 Act, the following statutes are repealed effective July 1, 2022:
86 ss. 25.383, 25.386, 310.001, 310.0015, 310.002, 310.011,
87 310.032, 310.042, 310.051, 310.061, 310.071, 310.073, 310.075,

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88 310.081, 310.091, 310.101, 310.102, 310.111, 310.1112, 310.1115,
 89 310.121, 310.131, 310.141, 310.142, 310.146, 310.151, 310.161,
 90 310.171, 310.181, 310.183, 310.185, 320.8249, 326.001, 326.002,
 91 326.003, 326.004, 326.005, 326.006, 468.381, 468.382, 468.383,
 92 468.384, 468.385, 468.3851, 468.3852, 468.3855, 468.386,
 93 468.387, 468.388, 468.389, 468.391, 468.392, 468.393, 468.394,
 94 468.395, 468.396, 468.397, 468.398, 468.399, 468.401, 468.402,
 95 468.403, 468.404, 468.405, 468.406, 468.407, 468.408, 468.409,
 96 468.410, 468.411, 468.412, 468.413, 468.414, 468.415, 468.431,
 97 468.4315, 468.432, 468.433, 468.4334, 468.4336, 468.4337,
 98 468.4338, 468.435, 468.436, 468.4365, 468.437, 468.438, 468.451,
 99 468.452, 468.453, 468.4535, 468.4536, 468.454, 468.456,
 100 468.4561, 468.45615, 468.4562, 468.4565, 468.457, 488.01,
 101 488.02, 488.03, 488.04, 488.045, 488.05, 488.06, 488.07, 488.08,
 102 554.104, 554.114(1)(d), 627.7015(4), and 627.7074(1)(a), Florida
 103 Statutes.

104 Section 4. Pursuant to the Occupational Regulation Sunset
 105 Act, the following statutes are repealed effective July 1, 2023:
 106 ss. 61.125, 373.302, 373.303, 373.306, 373.308, 373.309,
 107 373.313, 373.314, 373.316, 373.319, 373.323, 373.324, 373.325,
 108 373.326, 373.329, 373.333, 373.335, 373.336, 373.337, 373.342,
 109 399.01(16), 468.520, 468.521, 468.522, 468.523, 468.524,
 110 468.5245, 468.525, 468.526, 468.527, 468.5275, 468.528, 468.529,
 111 468.530, 468.531, 468.532, 468.533, 468.534, 468.535, 468.83,
 112 468.831, 468.8311, 468.8312, 468.8313, 468.8314, 468.8315,
 113 468.8316, 468.8317, 468.8318, 468.8319, 468.832, 468.8321,
 114 468.8322, 468.8323, 468.8324, 468.8325, 468.84, 468.841,
 115 468.8411, 468.8412, 468.8413, 468.8414, 468.8415, 468.8416,
 116 468.8417, 468.8418, 468.8419, 468.842, 468.8421, 468.8422,

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117 468.8423, 468.8424, 497.144, 497.145, 497.147, 497.148, 497.168,
 118 497.365, 497.366, 497.368, 497.369, 497.370, 497.371, 497.372,
 119 497.373, 497.374, 497.375, 497.376, 497.377, 497.378, 497.379,
 120 497.390, 497.554, 497.602, 497.603, 497.605, 501.605, 501.607,
 121 501.608, 501.609, 501.612, 501.616(2) and (4), 507.01, 507.02,
 122 507.03, 507.04, 507.05, 507.06, 507.07, 507.08, 507.09, 507.10,
 123 507.11, 507.12, 507.13, 517.12(1) and (4), 548.003, 548.017,
 124 634.171, 634.318, 634.320, and 634.420, Florida Statutes.

125 Section 5. Pursuant to the Occupational Regulation Sunset
 126 Act, the following statutes are repealed effective July 1, 2024:
 127 ss. 44.106, 450.30, 473.301, 473.302, 473.303, 473.3035,
 128 473.304, 473.305, 473.306, 473.3065, 473.308, 473.309, 473.3101,
 129 473.311, 473.312, 473.3125, 473.313, 473.314, 473.3141, 473.315,
 130 473.316, 473.318, 473.319, 473.3205, 473.321, 473.322, 473.323,
 131 474.201, 474.202, 474.203, 474.204, 474.205, 474.206, 474.2065,
 132 474.207, 474.211, 474.2125, 474.213, 474.214, 474.2145, 474.215,
 133 474.216, 474.2165, 474.2167, 474.217, 474.2185, 474.221,
 134 475.001, 475.01, 475.011, 475.02, 475.021, 475.03, 475.04,
 135 475.045, 475.05, 475.10, 475.125, 475.15, 475.161, 475.17,
 136 475.175, 475.180, 475.181, 475.182, 475.183, 475.215, 475.22,
 137 475.23, 475.24, 475.25, 475.255, 475.2701, 475.272, 475.274,
 138 475.2755, 475.278, 475.28, 475.2801, 475.31, 475.37, 475.38,
 139 475.41, 475.42, 475.43, 475.451, 475.4511, 475.453, 475.455,
 140 475.482, 475.483, 475.4835, 475.484, 475.485, 475.486, 475.5015,
 141 475.5016, 475.5017, 475.5018, 476.014, 476.024, 476.034,
 142 476.044, 476.054, 476.064, 476.074, 476.114, 476.134, 476.144,
 143 476.154, 476.155, 476.178, 476.184, 476.188, 476.192, 476.194,
 144 476.204, 476.214, 476.234, 476.244, 476.254, 477.011, 477.012,
 145 477.013, 477.0135, 477.014, 477.015, 477.016, 477.017, 477.018,

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146 477.019, 477.0201, 477.0212, 477.0213, 477.022, 477.023,
 147 477.025, 477.026, 477.0263, 477.0265, 477.028, 477.029, 477.031,
 148 496.4101, 559.901, 559.902, 559.903, 559.904, 559.905, 559.907,
 149 559.909, 559.911, 559.915, 559.916, 559.917, 559.919, 559.920,
 150 559.921, 559.9215, 559.92201, 559.9221, 559.926, 559.927,
 151 559.928, 559.9281, 559.9285, 559.929, 559.9295, 559.931,
 152 559.932, 559.933, 559.9335, 559.934, 559.935, 559.9355, 559.936,
 153 559.937, 559.938, 559.939, 633.132, 633.216, 633.304, 633.316,
 154 633.318, 633.324, 633.328, 633.332, 633.336, 633.338, 633.406,
 155 633.408, 633.412, 633.414, 633.416, 633.418, 633.424, 633.426,
 156 648.24, 648.25, 648.26, 648.27, 648.279, 648.285, 648.29,
 157 648.295, 648.30, 648.31, 648.315, 648.33, 648.34, 648.35,
 158 648.355, 648.36, 648.365, 648.38, 648.381, 648.382, 648.383,
 159 648.384, 648.385, 648.386, 648.387, 648.388, 648.39, 648.40,
 160 648.41, 648.42, 648.421, 648.43, 648.44, 648.441, 648.442,
 161 648.4425, 648.45, 648.46, 648.48, 648.49, 648.50, 648.51,
 162 648.52, 648.525, 648.53, 648.55, 648.57, 648.571, and 648.58,
 163 Florida Statutes.

164 Section 6. Pursuant to the Occupational Regulation Sunset
 165 Act, the following statutes are repealed effective July 1, 2025:
 166 ss. 397.4871, 402.305, 468.601, 468.602, 468.603, 468.604,
 167 468.605, 468.606, 468.607, 468.609, 468.613, 468.617, 468.619,
 168 468.621, 468.627, 468.629, 468.631, 468.632, 468.633, 471.001,
 169 471.003, 471.0035, 471.005, 471.007, 471.008, 471.009, 471.011,
 170 471.013, 471.015, 471.017, 471.019, 471.0195, 471.021, 471.023,
 171 471.025, 471.027, 471.031, 471.033, 471.037, 471.038, 471.0385,
 172 471.045, 472.001, 472.003, 472.005, 472.006, 472.007, 472.0075,
 173 472.008, 472.009, 472.0101, 472.011, 472.013, 472.0131,
 174 472.0132, 472.0135, 472.015, 472.016, 472.0165, 472.017,

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175 472.018, 472.019, 472.0201, 472.02011, 472.0202, 472.0203,
176 472.0204, 472.021, 472.023, 472.025, 472.027, 472.029, 472.031,
177 472.033, 472.0335, 472.0337, 472.034, 472.0345, 472.0351,
178 472.0355, 472.036, 472.0365, 472.0366, 472.037, 481.201,
179 481.203, 481.205, 481.2055, 481.207, 481.209, 481.211, 481.213,
180 481.2131, 481.215, 481.217, 481.219, 481.221, 481.222, 481.223,
181 481.225, 481.2251, 481.229, 481.231, 481.301, 481.303, 481.305,
182 481.306, 481.307, 481.309, 481.310, 481.311, 481.313, 481.315,
183 481.317, 481.319, 481.321, 481.323, 481.325, 481.329, 482.011,
184 482.021, 482.032, 482.051, 482.061, 482.071, 482.072, 482.0815,
185 482.091, 482.111, 482.121, 482.132, 482.141, 482.151, 482.152,
186 482.155, 482.156, 482.1562, 482.157, 482.161, 482.163, 482.165,
187 482.1821, 482.183, 482.191, 482.211, 482.226, 482.2265,
188 482.2267, 482.227, 482.231, 482.2401, 482.241, 482.242, 482.243,
189 487.011, 487.012, 487.021, 487.025, 487.031, 487.041, 487.042,
190 487.0435, 487.0437, 487.044, 487.045, 487.046, 487.047, 487.048,
191 487.049, 487.051, 487.064, 487.071, 487.081, 487.091, 487.101,
192 487.111, 487.13, 487.15, 487.156, 487.1585, 487.159, 487.160,
193 487.161, 487.163, 487.171, 487.175, 489.101, 489.103, 489.105,
194 489.107, 489.108, 489.109, 489.111, 489.113, 489.1131, 489.1136,
195 489.114, 489.115, 489.116, 489.117, 489.118, 489.119, 489.1195,
196 489.121, 489.124, 489.125, 489.126, 489.127, 489.128, 489.129,
197 489.13, 489.131, 489.132, 489.133, 489.134, 489.140, 489.1401,
198 489.1402, 489.141, 489.142, 489.1425, 489.143, 489.144, 489.145,
199 489.1455, 489.146, 489.501, 489.503, 489.505, 489.507, 489.509,
200 489.510, 489.511, 489.513, 489.514, 489.515, 489.516, 489.5161,
201 489.517, 489.518, 489.5185, 489.519, 489.520, 489.521, 489.522,
202 489.523, 489.525, 489.529, 489.530, 489.531, 489.5315, 489.532,
203 489.533, 489.5335, 489.537, 489.538, 489.551, 489.552, 489.553,

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204 489.554, 489.555, 489.556, 489.557, 489.558, 492.101, 492.102,
 205 492.103, 492.104, 492.105, 492.1051, 492.106, 492.107, 492.108,
 206 492.109, 492.1101, 492.111, 492.112, 492.113, 492.114, 492.115,
 207 492.116, 492.1165, 626.011, 626.015, 626.016, 626.022, 626.025,
 208 626.0428, 626.112, 626.141, 626.161, 626.171, 626.172, 626.175,
 209 626.181, 626.191, 626.201, 626.202, 626.207, 626.211, 626.221,
 210 626.231, 626.241, 626.2415, 626.251, 626.261, 626.266, 626.271,
 211 626.281, 626.2815, 626.2816, 626.2817, 626.291, 626.292,
 212 626.301, 626.311, 626.321, 626.322, 626.331, 626.341, 626.342,
 213 626.371, 626.381, 626.382, 626.431, 626.441, 626.451, 626.461,
 214 626.471, 626.511, 626.536, 626.541, 626.551, 626.561, 626.571,
 215 626.5715, 626.572, 626.593, 626.601, 626.602, 626.611, 626.6115,
 216 626.621, 626.6215, 626.631, 626.641, 626.651, 626.6515, 626.661,
 217 626.681, 626.691, 626.692, 626.711, 626.726, 626.727, 626.728,
 218 626.729, 626.730, 626.731, 626.7315, 626.732, 626.733, 626.734,
 219 626.7351, 626.7352, 626.7353, 626.7354, 626.741, 626.742,
 220 626.743, 626.744, 626.745, 626.7451, 626.7452, 626.7453,
 221 626.7454, 626.7455, 626.748, 626.7491, 626.7492, 626.752,
 222 626.753, 626.754, 626.776, 626.777, 626.778, 626.779, 626.780,
 223 626.781, 626.782, 626.783, 626.784, 626.7845, 626.785, 626.7851,
 224 626.788, 626.789, 626.792, 626.793, 626.794, 626.795, 626.796,
 225 626.797, 626.798, 626.826, 626.827, 626.828, 626.829, 626.830,
 226 626.8305, 626.831, 626.8311, 626.833, 626.834, 626.835, 626.836,
 227 626.837, 626.8373, 626.838, 626.839, 626.841, 626.8411,
 228 626.8412, 626.8413, 626.8414, 626.8417, 626.8418, 626.8419,
 229 626.84195, 626.842, 626.84201, 626.8421, 626.8423, 626.8427,
 230 626.843, 626.8433, 626.8437, 626.844, 626.8443, 626.8447,
 231 626.845, 626.8453, 626.8457, 626.846, 626.8463, 626.8467,
 232 626.847, 626.8473, 626.851, 626.852, 626.853, 626.854, 626.8548,

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233 626.855, 626.856, 626.8561, 626.8582, 626.8584, 626.859,
234 626.860, 626.861, 626.862, 626.8621, 626.863, 626.864, 626.865,
235 626.8651, 626.866, 626.8685, 626.869, 626.8695, 626.8696,
236 626.8697, 626.8698, 626.870, 626.871, 626.8732, 626.8734,
237 626.8736, 626.8737, 626.8738, 626.874, 626.875, 626.876,
238 626.877, 626.878, 626.8795, 626.8796, 626.8797, 626.927,
239 626.9271, 626.9272, 626.9912, 626.9916, 626.995, 626.9951,
240 626.9952, 626.9953, 626.9954, 626.9955, 626.9956, 626.9957, and
241 626.9958, Florida Statutes.

242 Section 7. Except as otherwise expressly provided in this
243 act, this act shall take effect upon becoming a law.