

CHAPTER 78-425

Senate Bill No. 860

AN ACT relating to administrative procedures; amending s. 120.52(1) (b), (2), Florida Statutes, providing an exception for entities created under the provisions of Chapter 361, Part II, Florida Statutes; providing that denial of a request under s. 120.54(5), Florida Statutes, is agency action; adding subsection (d) to 120.52(14), Florida Statutes; amending subsection (13) of s. 120.54, Florida Statutes, expanding the definition of recommended order; exempting action on hunting and fishing seasons from the definition of a rule; amending s. 120.54(1) (b), (2), (3), (7), (11) (b), (12) (b), Florida Statutes; deleting certain requirements from the economic impact statement of a rule; providing for public inspection and copying of proposed rules; providing grounds for holding a rule invalid; providing for public hearings relating to rulemaking; authorizing the consideration of written material submitted in rulemaking proceedings and modification of rule in response thereto; requiring that the citation for law implemented be to the Florida Statutes or the Laws of Florida; providing the time for filing certain rules; requiring publication of notice for proposed rules which are modified or withdrawn; amending s. 120.55(1) (b) and (3) (a), Florida Statutes, providing that university personnel and finance rules be exempt from publication in the Florida Administrative Code and requiring the Department of State to list rules of an agency exempted from such publication; requiring the Department of State to furnish the Florida Supreme Court, the state District Courts of Appeal, and the Division of Administrative Hearings, Department of Administration, copies of the Administrative Code and Weekly; creating s. 120.56(4), Florida Statutes, providing time schedules for emergency rule challenges; amending s. 120.565, Florida Statutes, providing that a declaratory statement set out the agency's opinion as to the applicability of a statute, rule, or order to the

petitioner only; amending s. 120.57(1) (b), Florida Statutes; providing notice requirements in parole revocation hearings; requiring hearing officers to complete and submit to the agency and all parties a written report consisting of findings of fact and rulings on evidentiary matters with respect to certain licenses and mergers which are referred to the Division of Administrative Hearings and requiring the agency to allow each party a specified period of time in which to submit exceptions to such report; amending s. 120.58(1) (e) and (3), Florida Statutes; exempting certain parole hearings from proposed rule requirements; empowering an agency to seek a petition for enforcement of a subpoena or discovery order from which failure to respond will result in contempt of court; deleting provisions relating to contempt of agency; reenacting and amending s. 120.60(3) and amending s. 120.60(5), Florida Statutes; providing requirements for proceedings for issuance, denial, renewal or amendment of a license or approval of a merger under Title XXXVI or Title XXXVII, Florida Statutes; allowing an agency to make constructive service when certified mail or actual service is unobtainable; amending s. 120.65(2), Florida Statutes; raising hearing officer requirement from 3 years membership in The Florida Bar to 5 years; amending s. 120.66(1), Florida Statutes; providing a limitation on the applicability of the prohibition against ex parte communications; amending s. 120.68(1) and (3), Florida Statutes; providing standing to district school boards to seek judicial review of state school board decisions; providing that a petition to an agency for a stay is not a prerequisite to a petition for supersedeas; amending s. 120.71(1), Florida Statutes; providing an exemption from s. 112.3143, Florida Statutes, to permit an agency head or member thereof to be disqualified from serving in an agency proceeding; amending ss. 120.72(2) and 120.73, Florida Statutes, deleting transitional and obsolete language; providing an effective date.

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

Section 1. Paragraph (b) of subsection (1) and subsections (2) and (13) of section 120.52, Florida Statutes, are amended, and paragraph (d) is added to subsection (14) of said section to read:

120.52 Definitions.--As used in this act:

(1) "Agency" means:

(b) Each other state officer and each state department, departmental unit described in s. 20.04, commission, regional planning agency, board, district, and authority including but not limited to, those described in chapters 160, 163, 298, 373, 380 and 582, except any legal entity or agency created in whole or in part pursuant to chapter 361, part II.

(2) "Agency action" means the whole or part of a rule or order, or the equivalent, or the denial of a petition to adopt a rule or issue an order. The term also includes any denial of a request made under s. 120.54(5).

(13) "Recommended order" means the official recommendation of a hearing officer assigned by the division to an agency or of any other duly authorized presiding officer other than an agency head or member thereof, for the final disposition of a proceeding under s. 120.57.

(14) "Rule" means each agency statement of general applicability that implements, interprets, or prescribes law or policy or describes the organization, procedures, or practice requirement of an agency and includes any form which imposes any requirement or solicits any information not specifically required by statute or by an existing rule. The term also includes the amendment or repeal of a rule. The term does not include:

(d) Agency action which has the effect of altering established hunting or fishing seasons when such action is adequately noticed in the area affected through publishing in a newspaper of general circulation or through notice by broadcasting in an electronic media.

Section 2. Paragraph (b) of subsection (1) and subsections (2), (3) and (7), paragraph (b) of subsection (11) and paragraph (b) of subsection (12) of section 120.54, Florida Statutes, are amended to read:

120.54 Rulemaking; adoption procedures.—

(1) Prior to the adoption, amendment, or repeal of any rule not described in subsection (9), an agency shall give notice of its intended action, setting forth a short and plain explanation of the purpose and effect of the proposed rule, a summary of the proposed rule, the specific legal authority under which its adoption is authorized, and a summary of the estimate of the economic impact of the proposed rule on all person affected by it. The notice shall contain the location where the text of the proposed rule or economic impact statement can be obtained if such text is not included in the notice.

(b) The notice shall be published in the Florida Administrative Weekly not less than 21 days prior to the intended action, except that notice of actions proposed by educational units or units of government with jurisdiction in only one county or a part thereof need not be published in the Florida Administrative Weekly or transmitted to the committee. The proposed rule shall be available for inspection and copying by the public at the time of the publication of notice.

(Substantial rewording of subsection.

See s. 12054.(2), Florida Statutes, for present text.)

(2) (a) Each agency, prior to the adoption, amendment, or repeal of any rule, shall provide information on its proposed action by preparing a detailed economic impact statement. The economic impact statement shall include:

1. An estimate of- the cost to the agency of the implementation of the proposed action, including the estimated amount of paperwork;

2. An estimate of the cost or the economic benefit to all persons directly affected by the proposed action;

3. An estimate of the impact of the proposed action on competition and the open market for employment, if applicable, and

4. A detailed statement of the data and method used in making each of the above estimates.

(b) If an economic impact statement is required before an agency takes action on an application or petition by any person, the statement shall be prepared within a reasonable time after the application is made or the petition is filed.

(c) Failure to provide an adequate statement of economic impact is grounds for holding the rule invalid; however, beginning October 1, 1978, no rule shall be declared invalid for want of an adequate statement of economic impact unless the issue is raised in an administrative or judicial proceeding within one year of the effective date of the rule to which the statement applies.

(3) If the intended action concerns any rule other than one relating exclusively to organization, procedure or practice, the agency shall, on the request of any affected person received within 14 days after the date of publication of the notice, give affected persons an opportunity to present evidence and argument on all issues under consideration appropriate to inform it of their contentions. The agency may schedule a public hearing on the rule and, if requested by an affected person, shall schedule a public hearing on the rule. Any material pertinent to the issues under consideration submitted to the agency within 14 days after the date of publication of the notice shall be considered by the agency, and made a part of the record of the rulemaking proceeding.

(7) Each rule adopted shall be accompanied by a reference to the specific rulemaking authority pursuant to which the rule was adopted and a reference to the section or subsection of the Florida Statutes or the Laws of Florida ~~law~~ being implemented, interpreted, or made specific.

(11) (b) If the adopting agency is required to publish its rules in the Florida Administrative Code, it shall file with the Department of State three certified copies of the rule it proposes to adopt, a summary of the rule, a summary of any hearings held on the rule, and a detailed written statement of the facts and circumstances justifying the rule. Agencies not required to publish their rules in the Florida Administrative Code shall file one certified copy of the proposed rule, and the other material required above, in the office of the agency head, and such rules shall be open to the public pursuant to s. 120.53(2). Filings shall be made not less than 21 days or more than 45 days after the notice required by subsection (1), if no public hearing is held. If a public hearing is held, the adopting agency shall file within 21 days after receipt of all material authorized to be submitted at the hearing or after receipt of the transcript, if one is made, whichever is later. If a public hearing is held and no material is authorized to be submitted and no transcript is made filings shall be made not less than 21 days or more than 45 days after the notice required in subsection (1).

(12) (b) After the notice required in subsection (1) and prior to adoption, the agency may withdraw the rule in whole or in part by publishing notice in the Florida Administrative Weekly and notifying the Department of State, or and may make such changes in the rule as are supported by the record of public hearings held on the rule, technical changes which do not affect the substance of the rule, changes in response to written material relating to the rule received by the agency within 14 days after the notice and made a part of the record of the proceeding, or changes in response to a proposed objection by the committee. ~~Changes supported by the record of a hearing or made in response to a proposed committee objection may include withdrawal of the rule in whole or in part~~ After adoption and before the effective date, a rule may be modified or withdrawn only in response to an

objection by the committee or may be modified to extend the effective date by not more than 60 days when the committee has notified the agency that an objection to the rule is being considered. The agency shall give notice of its decision to withdraw or modify a rule in the first available issue of the publication in which the original notice of rulemaking was published and shall notify the Department of State if the rule is required to be filed with the Department of State. After a rule has become effective, it may be repealed or amended only through regular rulemaking procedures.

Section 3. Paragraph (b) of subsection (1) and paragraph (a) of subsection (3) of section 120.55, Florida Statutes, is amended to read:

120.55 Publication.

The Department of State shall:

(b) Publish in a permanent compilation entitled “Florida Administrative Code” all rules adopted by each agency, citing the specific rulemaking authority pursuant to which each, rule was adopted, all history notes as authorized in s. 120.545(8), and complete indexes to all rules contained in the code. Supplementation shall be made as often as practicable, but at least monthly. Rules general in form but applicable to only one school district, community college district, or county or a part thereof, or to the Florida School for the Deaf and the Blind, and university rules relating to internal personnel or business and finance shall not be published in the Florida Administrative Code. Exclusion from publication in the Florida Administrative Code shall not affect their validity or effectiveness. The department shall publish, at the beginning of the section of the code dealing with an agency that files copies of its rules with the department, a summary or listing of all rules of said agency excluded from publication in the code and a statement as to where said rules may be inspected or examined. The department shall also publish, at the beginning of the section of the code dealing with an agency, any exemptions granted that agency pursuant to s. 120.63,

including the termination date of the exemption and [a statement] whether the exemption can be renewed pursuant to s. 120.63 (2) (b).

(3) (a) The Department of State shall furnish the Florida Administrative Code and the Florida Administrative Weekly, without charge and upon request, as follows:

1. One set to each federal and state court having jurisdiction over the residents of the state; each Florida senator, congressman, and state legislator; the Legislative Library; each state university library; the State Library; and each standing committee of the Senate and House of Representatives.

2. Two sets to each state department.

3. Three sets to the library of the Supreme Court of Florida, the library of each state District Court of Appeal, the division, the library of the Attorney General; each law school library in Florida, the Secretary of the Senate, and the Clerk of the House.

4. Seven sets to the committee.

Section 4. Subsection (4) of section 120.56, Florida Statutes, is renumbered subsection (5) and a new subsection (4) is created to read:

120.56 Administrative determination of rule by hearing officer.--

(4) Challenges to the validity of an emergency rule shall be subject to the following time schedules. Within 7 days after receiving the petition the division director shall, if he determines that the petition complies with subsection (2) above, assign a hearing officer who shall conduct a hearing within 14 days thereafter, unless the petition is withdrawn. Within 14 days after the hearing the hearing officer shall render his decision and otherwise comply with the provisions of subsection (3)(above not inconsistent herewith.

Section 5. Section 120.565, Florida Statutes, is amended to read:

120.565 Declaratory statement by agencies.--Each agency shall provide by rule the procedure for the filing and prompt disposition of petitions for declaratory statements. A declaratory statement shall set out the agency's opinion as to the applicability of a specified any statutory provision or of any rule or order of the agency as it applies to the petitioner in his particular set of circumstances only. The agency shall give notice of each petition and its disposition in the Florida Administrative Weekly and transmit copies of each petition and its disposition to the committee. Agency disposition of petitions shall be final agency action.

Section 6. Paragraph (b) of subsection (1) of section 120.57, Florida Statutes, is amended to read:

120.57 Decisions which affect substantial interests.--The provisions of this section shall apply in all proceedings in which the substantial interests of a party are determined by an agency. Unless waived by all parties, subsection (1) shall apply whenever the proceeding involves a disputed issue of material fact. Unless otherwise agreed, subsection (2) shall apply in all other cases.

(1) FORMAL PROCEEDINGS.--

(b) In cases to which this subsection is applicable, the following procedures shall apply:

1. Requests for hearings shall be granted or denied within 15 days of receipt.

2. All parties shall be afforded an opportunity for a hearing after reasonable notice of not less than 14 days; however, the 14-day notice requirement may be waived with the consent of all parties. In preliminary hearings for the revocation of parole no less than 7 days notice shall be given. In parole revocation hearings pursuant to ss. 949.10-949.11, reasonable notice of not less than 5 days shall be given. In hearings involving student disciplinary suspensions or expulsions conducted by educational units, the 14-day notice requirement may be waived by the agency head or the hearing officer without the consent of the parties. The notice shall include:

a. A statement of the time, place, and nature of the hearing.

b. A statement of the legal authority and jurisdiction under which the hearing is to be held.

c. A reference to the particular sections of the statutes and rules involved.

d. A short and plain statement of the matters asserted by the agency and by all parties of record at the time notice is given. If the agency or any party is unable to state the matters in sufficient detail at the time initial notice is given, the notice may be limited to a statement of the issues involved, and thereafter, upon timely written application, a more definite and detailed statement shall be furnished not less than 3 days prior to the date set for the hearing.

3. Except for proceedings conducted as prescribed in subsection 120.54(4) or s. 120.56, all petitions or requests for hearings under this section shall be filed with the agency. If the agency elects to request a hearing officer from the division, it shall notify the division within 10 days of receipt of the petition or request, requesting the assignment of a hearing officer and, with the concurrence of the division, set the time, date, and place of the hearing. On request of any agency, the division shall assign hearing officers with due regard to the expertise required for the particular matter. Any party may request the disqualification of any hearing officer by filing an affidavit with the division prior to the taking of evidence at a hearing, stating the grounds with particularity.

4. All parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of facts and orders, to file exceptions to any order or hearing officer's recommended order, and to be represented by counsel. When appropriate, the general public may be given an opportunity to present oral or written communications. If the agency proposes to consider such material, then all parties shall be given an opportunity to cross-examine or challenge or rebut it. "

5. The record in cases governed by this subsection shall consist only of:

- a. All notices, pleadings, motions, and intermediate rulings;
- b. Evidence received or considered;
- c. A statement of matters officially recognized;
- d. Questions and proffers of proof and objections and rulings thereon;
- e. Proposed findings and exceptions;
- f. Any decision, opinion, proposed or recommended order, or report by the officer presiding at the hearing;
- g. All staff memoranda or data submitted to the hearing officer during the hearing or prior to its disposition, after notice of the submission to all parties, except communications by advisory staff as permitted under subsection 120.66(1), if such communications are public records;
- h. All matters placed on the record after an ex parte communication pursuant to subsection 120.66(2); and
- i. The official transcript.

6. The agency shall accurately and completely preserve all testimony in the proceeding, and, on the request of any party, it shall make a full or partial transcript available at no more than actual cost.

7. Findings of fact shall be based exclusively on the evidence of record and on matters officially recognized.

8. Except as provided in s. 120.57(1)(b) 12., the hearing officer shall complete and submit to the agency and all parties a recommended order consisting of his findings of fact, conclusions of law, interpretation of administrative rules, recommended penalty, if applicable, and any other information required by law or agency rule to be contained in the final order. The agency shall allow each party at least 10 days in which to submit written exceptions to the recommended order.

9. The agency may adopt the recommended order as the agency's final order. The agency in its final order may reject or modify the conclusions of law and interpretation of administrative rules in the recommended order, but may not reject or modify the findings of fact unless the agency first determines from a review of the complete record, and states with particularity in the order, that the findings of fact were not based upon competent substantial evidence or that the proceedings on which the findings were based did not comply with essential requirements of law. The agency may accept or reduce the recommended penalty in a recommended order, but may not increase it without a review of the complete record. In the event a court reverses an agency's order, the court in its discretion may award attorney's fees and costs to the aggrieved prevailing party.

10. If the hearing officer assigned to a hearing becomes unavailable, the division shall assign another hearing officer who shall use any existing record and receive any additional evidence or argument, if any, which the new hearing officer finds necessary.

11. A hearing officer who is a member of an agency head may participate in the formulation of the agency's final order, provided he has completed all his duties as hearing officer

12. In applications for a license or mergers pursuant to Title XXXVI or Title XXXVII, Florida Statutes, which are referred by the agency to the division for hearing pursuant to this section, the hearing officer shall complete and submit to the agency and to all parties a written report consisting of finding of fact and rulings on evidentiary matters. The agency shall allow each party at least 10 days in which to submit written exceptions to the report.

Section 7. Paragraph (e) of subsection (1) and subsection (3) of section 120.58, Florida Statutes, are amended to read:

120.58 Agency action; evidence, record and subpoenas.—

(1) In agency proceedings for a rule or order:

(e) If a majority of those who are to render the final order have not heard the case or read the record, a decision adverse to a party other than the agency itself shall not be made until a proposed order is served upon the parties and they are given an opportunity to file exceptions and present briefs and oral arguments to those who are to render the decision. The proposed order shall contain necessary findings of fact and conclusions of law and a reference to the source of each. The proposed order shall be prepared by the individual who conducted the hearing, if available; or by one who has read the record. The parties by written stipulation may waive compliance with this paragraph. The provisions of this paragraph shall not apply in the granting of parole or preliminary hearings for the revocation of parole.

(3) An agency may seek enforcement of a subpoena or order directing discovery issued under the authority of this act by filing a petition for enforcement, pursuant to s. 120.69, in the circuit court of the judicial circuit wherein the person failing to comply with the subpoena or order resides. A failure to comply with an order of the court shall result in a finding of contempt of court. ~~Any person failing to comply with a subpoena or order directing discovery issued under the authority of this act shall be in contempt of the agency issuing the subpoena or order and subject to any penalties which the agency is authorized by law to prescribe; However, no person shall be in contempt while the subpoena or order is being challenged under subsection (2). In the absence of agency action on the default within 30 days, the party requesting the subpoena or order may bring proceedings in an appropriate court for enforcement of the subpoena or order, and a failure to comply with an order of the court shall result in a finding of contempt of court. In the absence of statutory authority for a remedy, the violator may receive a fine not to exceed \$500.00.~~

Section 8. Subsection (3) of section 120.60, Florida Statutes, is reenacted and amended, and subsection (5) of said section is amended to read:

120.60 Licensing.--

(Substantial rewording of subsection. See 120.60(3). F.S., for present text.)

(3) In proceedings for the issuance, denial, renewal or amendment of a license or approval of a merger pursuant to Title XXXVI or Title XXXVII, Florida Statutes:

(a)l. The Department of Banking and Finance shall have published in the Florida Administrative Weekly notice of the application within 21 days of receipt.

2. Within 21 days of publication of notice, any person may request a hearing, which upon request shall be conducted pursuant to s. 120.57 except that the Department of Banking and Finance shall by rule provide for participation by the general public; provided, however, that failure to request a hearing within 21 days of publication of notice shall constitute waiver of any right to a hearing.

(b) Should a hearing be requested pursuant to s. 120.60(3) (a)2., the applicant or licensee shall publish at his own cost a notice of the hearing in a newspaper of general circulation in the area affected by the application. The Department of Banking and Finance may by rule specify the format and size of such notice.

(c) Notwithstanding subsection (2) above, every application for license for a new bank, new trust company, new credit union, or new savings and loan association shall be approved or denied within 180 days after receipt of the original application or receipt of the timely requested additional information or correction of: errors or omissions. Any application for such a license not approved! or denied within the 180-day period or within 30 days after conclusion of a public hearing on the application, whichever is the latest, shall be deemed approved subject to the satisfactory completion of conditions required by statute as a prerequisite to license and approval of insurance of accounts by the Federal

Deposit Insurance Corporation for a new bank, and by the Federal savings and Loan Insurance Corporation for a new savings and loan association.

(5) No revocation, suspension, annulment, or withdrawal of any license is lawful unless, prior to the institution of agency proceedings, the agency has given reasonable notice by certified mail or actual service to the licensee of facts or conduct which warrant the intended action and the licensee has been given an opportunity to show that he has complied with all lawful requirements for the retention of the license. If the agency is unable to obtain service by certified mail or by actual service, constructive service may be made in the same manner as is provided in Chapter 49.

Section 9. Subsection (2) of section 120.65, Florida Statutes, is amended to read:

120.65 Hearing officers.--

(2) The division shall employ full-time hearing officers to conduct hearings required by this chapter or other law. No person may be employed by the division as a full-time hearing officer unless he has been a member of The Florida Bar in good standing for the preceding 5 ~~3~~ years.

Section 10. Subsection (1) of section 120.66, Florida Stat is amended to read:

120.66 Ex parte communications.--

(1) In any proceeding under s. 120.57, no ex parte communication relative to the merits, threat, or offer of reward shall be made to the agency head, after the agency head has received a recommended order, or to the hearing officer by:

(a) An agency head or member of the agency or any other public employee or official engaged in prosecution or advocacy in connection with the matter under consideration or a factually related matter.

(b) A party to the proceeding or any person who, directly or indirectly, would have a substantial interest in the proposed agency action, or his authorized representative or counsel.

Nothing in this subsection shall apply to advisory staff members who do not testify on behalf of the agency in the proceeding or to any rulemaking proceedings under s. 120.54.

Section 11. Subsections (1) and (3) of section 120.68, Florida Statutes, are amended to read:

120.68 Judicial review.--

(1) A party who is adversely affected by final agency action is entitled to judicial review. For purposes of this section, a district school board, whose decision is reviewed under the provisions of s. 231.36 and whose final action is modified by a superior administrative decision, shall be a party entitled to judicial review of the final action. A preliminary, procedural, or intermediate agency action or ruling is immediately reviewable if review of the final agency decision would not provide an adequate remedy.

(3) The filing of the petition does not itself stay enforcement of the agency decision, but if the agency decision has the effect of suspending or revoking a license, supersedeas shall be granted as a matter of right upon such conditions as are reasonable, unless the court, upon petition of the agency, determines that a supersedeas would constitute a probable danger to the health, safety, or welfare of the state. The agency may also grant ~~or the reviewing court may order~~, a stay upon appropriate terms, but, whether or not the action has the effect of suspending or revoking a license, a petition to the agency for a stay shall not be a prerequisite to a petition to the court for supersedeas. In any event, the order shall specify the conditions, if any, upon which the stay or supersedeas is granted.

Section 12. Subsection (1) of section 120.71, Florida Statutes, is amended to read:

120.71 Disqualification of agency personnel.--

(1) Notwithstanding the provisions of s. 112.3143, any individual serving alone or with others as an agency head shall be disqualified from serving in an agency proceeding for bias, prejudice, interest, or other causes for which a judge

may be recused. If the disqualified individual holds his position by appointment, the appointing power may appoint a substitute to serve in the matter from which the individual is disqualified. If the individual is an elected official, the Governor may appoint a substitute to serve in the matter from which the individual is disqualified.

Section 13. Subsection (2) of section 120.72, Florida Statutes, is amended to read:

120.72 Legislative intent; prior proceedings and rules; exception.--

(2)(a) All administrative adjudicative proceedings conducted pursuant to any provision of the Florida Statutes which were begun prior to January 1, 1975, shall be continued to a conclusion, including judicial review, under the provisions of the Florida Statutes, 1973, except that administrative adjudicatory proceedings which have not progressed to the stage of a hearing may, with the consent of all parties and the agency conducting the proceeding, be conducted in accordance with the provisions of this act as nearly as is feasible.

~~(b) If any action seeking judicial review of an administrative adjudicative proceeding begun prior to January 1, 1975, has been dismissed or otherwise disposed of on the ground that the provisions of the Florida Statutes, 1973, providing for judicial review were repealed by chapter 74-310, Laws of Florida, such action shall be reinstated by order of the court dismissing such action upon the filing of a petition by the dismissed party at any time during the 60 day period immediately following June 20, 1976.~~

Section 14. Section 120.73, Florida Statutes, is amended to read:

120.73 Circuit court proceedings; declaratory judgments.--Nothing in this chapter shall be construed to repeal any provision of the Florida Statutes which grants the right to a proceeding in the circuit court in lieu of an administrative hearing or to divest the circuit courts of jurisdiction to render declaratory judgments under the provisions of chapter 86. ~~If any action has been dismissed or otherwise disposed of on the ground that a provision of the statutes granting the~~

~~right to a trial or the jurisdiction to render declaratory judgments was repealed by chapter 74-310, Laws of Florida, such action shall be reinstated by order of the court upon the filing of a petition by the plaintiff at any time during the 60 day period immediately following the effective date of this act.~~

Section 15. This act shall take effect upon becoming law. Hearings for licenses pursuant to s. 120.60(3), Florida Statutes; begun prior to June 30, 1978, shall be governed by the provisions of Chapter 77-453, Laws of Florida. Hearings begun on or after June 30, 1978, shall be governed by the provisions of this act.

Approved by the Governor June 27, 1978.

Filed in Office Secretary of State June 27, 1978.