

Chapter Law 95-147

Senate Bill No 596

An act relating to the Florida Statutes; amending ss. 1.01(2), 6.04, 6.075(1)(a), (3)(b), 8.05, 11.013, 11.03(1), 11.05(1), 11.06, 11.061(1), (2), (3), 11.062(1), 11.12(1), 11.13(2), (5)(b), 11.147(3)(c), (4)(a), (10), 11.148(5), (22), 11.26(1)(a), (c), 11.30(1), (2), (7), (10), 11.39(1), 11.40, 11.401, 11.44(1)(a), (c), (d), 11.46(4), (5), 11.47(1), (2), 11.50(1)(a), 11.60(1), 13.01(1)(d), (2), 13.02, 13.03, 13.05, 13.08(2), (6), 13.10(4), 13.94, 14.01, 14.021(1), 14.022(1), (2), (3)(a), (c), 14.03, 14.056, 14.057(1), (2), 14.058, 14.202, 14.22(3)(b), 15.01, 15.08, 15.092, 15.14(2), 16.01(1), (2), (3), (7), (8), 16.02, 16.05, 16.08, 16.09, 16.10, 16.56(2), 17.01, 17.02, 17.03, 17.041(4), (5), 17.05, 17.06, 17.12, 17.13(1), 17.17, 17.19, 17.20, 17.21, 17.25, 17.29, 17.30, 18.01, 18.021(2), 18.03, 18.05, 18.06, 18.07, 18.101(1), (4), 18.103(2), (3), 18.17, 18.20(1), (3), 19.12, 19.14, 19.23, 20.17(4)(a), (b), (h), (5)(a), 20.171(4)(a), (b), (f), 20.18(3), 22.06, 22.07, 22.10, 22.15(1), 23.1231(2)(i), 23.140, 24.106(3), (4)(a), (c), (6)(a), 24.112(14), 24.115(1)(f), 24.118(2), (4), (5)(a), 25.073(1)(a), 25.074, 25.075(2), 25.101, 25.112, 25.141, 25.191, 25.201, 25.211, 25.221, 25.241(5), 25.251, 25.262, 25.271(2), 25.301, 25.351(2), 25.384(2)(a), 26.37, 26.38, 26.39, 26.46, 26.55(2), (3)(b), 26.57, 27.02, 27.03, 27.04, 27.08, 27.10, 27.11, 27.12, 27.14, 27.15, 27.151(2), 27.16, 27.18, 27.181, 27.25(1), (4), 27.251, 27.255(1), (4), 27.271(2), 27.33(1), 27.3455(5)(b), (8), 27.37(1), (5), (6)(c), (7), 27.38(1), 27.50, 27.51(1)(b), (5)(a), 27.52(2)(a), (b), (c), (3), 27.53(1), (2), (3), 27.54(1), 27.56(2)(a), (3), (4), 27.561(2), 27.60(1), 27.701, 27.702(1), 27.703, 27.704(1), 27.705(3), 27.706, 27.708, 28.01, 28.02, 28.03, 28.04, 28.06, 28.09, 28.12, 28.13, 28.211, 28.223(1), 28.241(1), (2), 28.242, 28.243(1), 28.31, 28.33, 29.03, 29.04(1), 29.06, 29.07, 30.01, 30.02, 30.03, 30.04, 30.09(1), (3), (4), 30.11, 30.12, 30.14(1), (2)(a), (3), (4), 30.15(1)(g), 30.17(1), (3), 30.20, 30.21, 30.24(2)(b), 30.2905(3), 30.291(1), 30.30(1), (3), (4), (5), 30.48, 30.49(1), (2)(a), (4), (10), 30.50(1), (2), 30.51(5), 30.52, 30.555, 30.56, 34.021(1), (4), 34.032(1), (3), 34.041(1), (2), (6), 34.13(4), 34.161, 34.181(1), 35.15, 35.21, 35.22(6), 35.23, 35.26(1), (2), (4), (5), 38.01, 38.02, 38.03, 38.04, 38.05, 38.06, 38.09, 38.10, 38.13, 38.14, 38.15(1), 39.0215(5), 39.028(2)(b), 39.033(1), (4), 39.035, 39.041(1), (3), 39.048(4), 39.051, 39.058(3)(d), (4)(g), (h), (i), 39.0582(3)(d), (k), (4)(g), (h), (i), 39.069(1), 39.401(1)(b), (c), (2), (3)(a), 39.403(2), 39.4055(4), 39.406, 39.407(2)(b), 39.409(2), 39.421(1)(a), (3)(a), 39.422(3), (5), 39.423(3), (4), 39.436(3), 39.438(2), 39.439(2)(b), 39.44(1)(b), (2)(c), 39.441(2), 39.442(4), (7), 39.443(4), 39.463, 39.511, 39.516, 40.013(5), (9), 40.02(1), 40.022(3), 40.221, 40.23(1), 40.24(2), (6), (7), 40.271(2), 40.29(1), 40.30, 40.31, 40.32, 40.33, 40.34(3), 40.35, 43.16(4), 43.26(2)(f), (3), (4), 43.27, 43.35, 44.201(2)(a), (6), 46.011, 46.015(2), 46.031, 47.101, 48.021(2), (3), (4), 48.031(1)(a), (2)(b), (3), 48.041(1)(b), 48.042(1)(b), 48.061(1), 48.071, 48.111(1)(a), (b), 48.131, 48.151(1), (3), 48.161(1), (2), (4), 48.171, 48.181(1), 48.19, 48.193(1), (4), 48.195(2), 48.20, 48.29(2), (3)(e), (f), (g), (h), (4), (5)(b), (6)(a), (7)(a), (c), (8), 48.31(2), 49.031(1), (2)(b), 49.041, 49.051, 49.061, 49.09, 50.051, 51.011(1), (3), 55.01(1), 55.09, 55.13, 55.141(2), 55.145, 56.021, 56.051, 56.10, 56.12, 56.16, 56.17, 56.19, 56.20, 56.26, 56.27, 56.28, 56.29(2), (3), (4), (6)(a), (8), (10), 57.011, 57.041(1), 57.051(2), 57.061(1), 57.091, 57.101, 57.105, 60.04, 60.05(1), (4), 61.071, 61.09, 61.10, 61.11, 61.13015(3)(b), (5), 61.1304(3), 61.1306(5), 61.1308(1)(a), (b), (c), (3),

61.1316(3)(b), (5), 61.132(1), (3), 61.1322, 61.1324(1), 61.1332(2), 61.1334, 61.1342(2), 61.1354(2), 61.14(5), (6)(b), (f), 63.042(2)(d), 63.072(4), 63.085(1)(f), 63.102(1), 63.135(1), (3), 63.162(1)(d), (f), 63.172(1)(b), 63.185, 64.081, 65.041, 65.061(2), (3), (4), 65.081(4), 66.021, 66.041, 66.061(1), (3), 66.071, 66.081, 66.101, 68.02(3), (4), 68.03, 69.051, 71.041(2), (3), 73.021(4), 73.031(2), 73.051, 73.071(3)(b), (c), 73.072(1)(a), (3), 73.121, 73.131(1), 74.071, 74.111(1), 75.12, 75.14, 75.16, 76.01, 76.04, 76.05, 76.07, 76.10, 76.12, 76.16(1), 76.17, 76.18, 76.19, 76.22, 76.24(1), (3), 76.32(4), (5), 77.03, 77.031(2), (3), 77.04, 77.055, 77.06(1), (4), 77.061, 77.07(1), (3), 77.081, 77.082, 77.083, 77.13, 77.14, 77.16, 77.17, 77.19, 77.22, 77.24, 77.27, 77.28, 78.02(3), (4), 78.065, 78.067, 78.068(4), 78.075, 78.10, 78.13, 78.18, 78.19(1), (2), 78.20, 78.21, 79.01, 79.02, 79.03, 79.05(1), 79.07, 79.08, 80.01, 80.02, 80.04, 81.011, 82.03, 82.04(1), 82.071, 82.091, 83.06(1), 83.07, 83.08, 83.10, 83.11, 83.12, 83.13, 83.14, 83.15, 83.19(1), (3), 83.20(1), 83.201, 83.21, 83.22(1), 83.231, 83.232(1), 83.50, 83.51(4), 83.52(2), (3), (7), 83.53(1), 83.59(2), (3)(c), 83.595(1)(a), 83.63, 83.64(2), 83.681(1), 83.803(3), (4), 83.805, 83.806(1), (6), (8), 85.011(1), (5)(b), 85.021, 85.031, 86.021, 86.041, 88.065(1), (2), 88.111(1), 88.121(1), 88.141, 88.161(2), 88.181, 88.191(2), (3), 88.341, 88.345, 88.351(2), 88.371(2), (3), 90.105(3), 90.108, 90.404(1), 90.405, 90.503(2), (3)(a), (4)(c), 90.5035(3)(a), 90.505(1), (2), (3)(d), 90.5055(1)(c), (4)(b), 90.506, 90.507, 90.602(2)(a), (3), 90.603(1), 90.604, 90.605(1), 90.606(1)(a), (3), 90.6063(2), (4), (7), 90.607(2)(a), 90.608(1), (4), 90.610(1), 90.611, 90.613, 90.614, 90.616(2), 90.701, 90.704, 90.705, 90.801(1)(a), (2), 90.803(5), (12), (18)(a), (b), (c), (d), (19), (21), 90.804(1), (2)(b), (c), 90.806, 90.902(2), (3)(a), 90.954(3), 90.956, 90.957, 92.141, 92.142, 92.151, 92.153(2)(a), 92.16, 92.18, 92.21, 92.231(1), 92.26, 92.30, 92.32, 92.33, 92.39, 92.51(1), (2), 95.051(1)(b), (c), 95.11(3)(c), (d), (6), 95.12, 95.16(1), 95.18(1), 95.192, 95.21, 95.22(1), 95.281(1)(c), (2), 95.35, 95.361(2)(a), (b), 98.255, 98.401, 98.421, 98.471, 99.012(3)(a), (c), (e), (f), (g), (4)(a), (c), (e), (f), (g), (5), 99.021(1), 99.061(1), (2), (3), (6), (7), 99.092(1), (3), 99.093(2), 99.095(1), (3), (4), 99.0955(1), (3), 99.096(5), 99.097(2), (5), 100.011(4)(b), 100.021, 100.041(4), 100.111(4)(b), (c), 100.151, 100.241(2), (3), 100.361(1)(a), (c), (d), (f), (g), (h), (2), (6), (7), 101.011(1), (3), (4), (5), 101.015(4)(b), 101.021, 101.051(1), (3), 101.111(2), (3), 101.131(1), (3), 101.151(6), 101.191(1), 101.22, 101.23(1), 101.24, 101.252, 101.253(1), (2), 101.254, 101.27(2), (3), 101.28(1)(d), (f), (3), 101.293(1), 101.34, 101.341(2), 101.35(2), (4), 101.37, 101.38, 101.47(1), (2), (4), (5), (6), (8), (9), (12), 101.49, 101.51, 101.54(1), 101.55, 101.5605(2)(a), 101.5606(2), (5), (11), 101.5608(1), (2)(a), (b), 101.5609(7)(b), 101.5611(2), 101.5612(1), 101.572, 101.58, 101.6103(5), (6), 101.6104, 101.62(1), (2), (3), (4)(b), 101.64(1), 101.65, 101.67, 101.68(1), (2), (4), 101.69, 101.71(1), (2), 101.72(1), 101.732(3), 102.012(1), (2), (3), (9), 102.021(1), 102.031(2), (3)(a), 102.101, 102.141(1), 102.166(11)(b), 102.168, 103.021(1), (5), 103.061, 103.071, 103.081(1), 103.091(3), (4), (5), (6)(a), 103.101(2), (3), 103.121(1)(a), (3), (4), (5)(a), (6), 103.131, 103.141, 103.151(1), (2), 104.031, 104.051(2), (3), 104.0515(3), 104.061, 104.071(1), (2), (3), 104.081, 104.101, 104.11, 104.15, 104.19(1)(b), 104.20, 104.21, 104.24, 104.26, 104.271(1), 104.31(1), (3), 104.32, 105.031(1), (3), (4), 105.035(1), (3), (4), 105.051(1)(a), (b), 105.071(1), (3), (5), 105.08, 105.09(2), 106.011(16)(c), 106.021(1)(a), (b), (c), (2), (3), (4), 106.023, 106.04(4)(a), (8)(c), 106.07(5), (8)(b), (c), 106.075(1), 106.08(1)(b), (3), (4), (5), 106.11(4), 106.1405, 106.141(1), (3), (5), (6), (9), (10), 106.143(1), (4), 106.1435(1), 106.15(1), (2), (3), (4), 106.19, 106.21(1), 106.23(1),

106.24(1), (2), (3), (5), 106.29(2), 106.34(1), 106.36, 107.02, 107.03, 107.04, 110.109(3), 110.1095(1), 110.121, 110.1238, 110.124(1), (2), (3), 110.131(6)(c), 110.161(9), 110.21(2)(a), 110.227(4), (5)(a), 110.233(4), 110.405, 110.407(3), 110.501(1), 110.605(6), 110.607(3), 111.045, 111.05, 111.065(2), 111.07, 112.011(1)(b), (2)(b), 112.044(3)(a), (c), 112.0455(5)(j), (6)(b), (8)(b), (r), (10)(g), 112.046, 112.048(2), 112.05(1)(a), (b), (2)(b), (c), (d), (4)(a), (b), 112.0501(1), 112.062, 112.063(3), 112.08(2)(b), (7), (8), 112.11, 112.153, 112.161(1), 112.175(1)(a), 112.18, 112.182(1), 112.215(4)(b), (c), (8)(a), (c), (d), 112.24(3)(a), (c), (d), (e), (4)(c), (e), 112.28(3), 112.30(4), 112.311(5), 112.312(6), (9), (12)(a), (b), 112.3151, 112.316, 112.3187(7), (8)(a), 112.31895(3)(b), (g), 112.321(2), 112.3215(1)(e), (3), (6), (10), 112.352(3), (5)(b), (8), 112.353, 112.355(4), 112.357, 112.361(2)(b), (c), (e), (3), (5)(a), (b), (7)(a), 112.362(1)(a), (b), (d), (2), (3), (4)(d), 112.43, 112.44, 112.45(2), 112.46, 112.47, 112.49, 112.501(2), (4), (6), (7), 112.51(1), (4), (5), (6), 112.52(1), (2), (4), 112.532(1), (5), 112.533(2)(a), 112.65(1), 112.656(1), 112.66(5), (7), 113.05, 113.06, 114.01(1)(g), (2), 114.02, 114.03, 114.05(1)(b), (c), (d), (e), 115.01, 115.02, 115.03, 115.05, 115.06, 115.10, 115.11(2), 115.13, 115.15, 116.015, 116.03, 116.04, 116.21(3), 116.34(3), 117.01(1), (2), (3), (5), (6), (7), 117.05(1), (3)(a), (5), (6)(e), (7), (10), (11), (12), 117.10, 117.107(3), 118.01, 118.02, 118.03, 119.021, 119.05, 119.06, 119.08(1)(a), 120.53(5)(b), 120.54(4)(c), (11)(b), (17), 120.56(2), (3), (4), 120.565, 120.59(4), 120.60(2), (3), (5)(b), 120.62, 120.65(4), 120.66(1)(b), (2), (3), 120.69(4)(c), 120.71(1), 121.011(3)(a), (b), (c), (e), (f), 121.046(3), (4), 121.0515(3)(a), (4), (8), 121.053(1), (2), 121.081(1)(d), (g), (i), (j), (2)(b), 121.091(1), (2), (3), (4)(b), (d), (e), (f), (g), (5)(a), (b), (c), (d), (f), (g), (h), (6)(a), (c), (d), (f), (7)(a), (b), (e), (g), (8), (9)(b), 121.101(2)(a), (4), (5), 121.111(2)(c), 121.121(3), 121.125, 121.192, 122.01(2), 122.02(4)(a), 122.03(2)(c), (5), (7), (8), (9), 122.04, 122.05(3), (5), 122.051, 122.07(2), 122.08(1)(a), (2)(b), (3), (4), (7), (9)(c), 122.09, 122.10(1), (3), (4), (5), 122.11, 122.16(2)(a), (b), 122.19(1)(a), 122.24(3)(a), (c), (4), 122.28(1), (3), 122.34(3), (4), (5), (6), (7), (8), (11), 122.35(4)(d), (e), 123.02(1), 123.03, 123.04(1), 123.05, 123.051(2), 123.06(1), 123.07(1), (2), (3), (7)(c), (8), 123.08, 123.13, 123.14, 123.15, 123.17(2), (3), (4), 123.19, 123.26, 123.29, 123.40(1)(a), (2)(b), 124.011(4), (6), (11), 125.0108(4)(a), (b), 125.012(15), 125.013(2), 125.017, 125.17, 125.411(1), 125.59(3), 125.62(1), 125.73(2), (4), 125.74(1)(b), (f), (o), (q), 125.84(1), (3), 125.85(11), (12), 125.901(1)(a), (2)(b), (3)(d), (e), 125.9501(1), 129.03(1), 129.06(5), 129.09, 129.202(1)(b), (d), 130.05, 130.06, 130.11(1), (2), 130.14, 136.06(1), 136.091, 137.01, 137.04, 137.05, 137.06, 137.08, 137.09, 138.05, 142.04, 142.05, 142.07, 142.09, 142.10, 142.12, 142.13, 142.15, 145.022(1), 145.031, 145.051(1), 145.071(1), 145.09(1), (2), 145.10(1), (2)(c), 145.11(1), 145.121, 145.131(1), 145.14(1), 145.141, 153.05(2)(c), 153.06(2), 153.53(6), 153.63(1), 153.73(2)(b), (3), 154.013(1), 154.02(3)(d), 154.09(4), 154.207(4), (5), (8), 154.219(3), 154.238, 154.308(3), 154.331(2)(b), (3)(c), 155.07, 155.08, 155.09, 155.11(1), 155.20, 157.09, 157.14, 159.08(1), 159.34(1), 159.414, 159.45(3), (4), (7), 159.47(1)(j), (2), 159.494, 159.605(1), (3), 159.606, 159.607, 159.618(1), 159.703(3), (4), (7), 161.054(2), 161.37(4), 163.01(15)(f), 163.03(1)(m), 163.3177(7)(j), 163.3178(2)(e), 163.3213(6), (8), 163.3215(6), 163.3220(2)(b), 163.356(3)(a), (b), (c), (4), 163.361(3), 163.367(2), (3), 163.380(2), 163.506(3), 163.511(3)(e), (4)(e), (5)(a), (6), (7), (8), (10), 163.514(16)(d), 163.566(10), 163.567(9), (10), 163.704(2), (4), (5), 163.706(1), 170.07, 170.11, 171.081, 173.07, 175.032(1), (5)(b), 175.061(1), (2), 175.071(1)(c), (2), 175.081(5), (8), (9),

175.141, 175.162, 175.171(1)(a), (c), (2), (3), 175.191(1), (2), (3)(d), (4), (5), (6), (7), (8), 175.201, 175.211, 175.261, 175.291, 175.301, 175.331, 175.333, 175.351(4), 175.361(3)(b), 177.051, 177.085(1), 177.111, 180.11(2), 185.02(1)(b), 185.05, 185.06(1)(c), (2), 185.061(5), (8), (9), 185.07(1)(b), (c), 185.08(1), 185.12, 185.16, 185.161, 185.18(1), (2), (3)(d), (5), (6)(a), (b), (7), (8), 185.19, 185.21, 185.221, 185.27, 185.29, 185.30, 185.341, 185.35(1)(a), (d), (k), 185.37(3)(b), 186.008(1), 186.505(1), 186.506(3), 189.421(3), 190.006(1), (2), (6), (8), 190.007(2), 190.013(4), 190.016(2), 192.011, 192.091(1)(b), (6), 192.102(3), 192.115, 193.023(1), (2), (4), 193.052(4), (5), 193.072(3), 193.1145(1), (3)(b), (7), (9), (12), 193.1147, 193.116, 193.122(2), 194.011(2), (3)(c), (e), 194.015, 194.032(2), 194.034(1)(a), (b), 194.035(1), 194.036(1), 194.181(1)(a), (5), 194.231(1), 195.027(5), (6), 195.087(1)(a), (2), (5), 195.092(4), 195.095(1), (2), 195.097(1)(a), (2), (3), (4), 196.015, 196.021, 196.071, 196.091, 196.121(3)(c), 196.141, 196.151, 196.175(3), 196.193(5), 196.1975(9), (12), 196.24, 197.123, 197.131, 197.202, 197.212, 197.222(1), (2), 197.2301(11), 197.252(1), 197.253(1), (2), 197.263(3), 197.322(1), (3), 197.343(4), 197.363(2)(a), 197.3632(5), (7), (8)(c), 197.383, 197.412, 197.414, 197.416, 197.432(1), (11), 197.433(2), (3), 197.442(1), 197.443(3), 197.444(1), 197.482(1), 197.502(4)(f), 197.512(2), (3), 197.522(1)(c), (2), (3), 197.532, 197.542(1), 197.573(3), 197.582(1), 198.015(1)(a), 198.02, 198.04, 198.06(1), 198.13(1), 198.18(1), 198.19, 198.20, 198.21, 198.23, 198.24, 198.30, 198.33(1), 198.36, 198.44, 199.262(1), 199.272(2), 200.011(3), 201.02(1), 201.11(2), 201.132(2), 201.14, 201.18(3), 203.01(1)(c), (f), (7), 203.63(3), 205.063, 205.171(2), 205.193, 206.02(1)(b), (2)(b), (c), (3)(b), (c), (4)(b), (c), 206.021(1), (2)(b), (c), 206.022(1)(b), (c), 206.026(3), (4), 206.065(2), (3), (4), (6), (7), (8), (9), 206.075(1), 206.11(2)(c), 206.18(2), (3), (4), 206.20(1), 206.204(1), 206.205(3), (4), (6), 206.21(1), (2), (3), 206.215(1), (4), 206.22, 206.23, 206.24(1), 206.41(1)(a), (b), (2)(b), (c), 206.42(2), 206.425(4)(c), 206.43(1), 206.48, 206.49(1), 206.56(1), 206.59(3), 206.86(10)(b), (h), 206.87(1), (2)(a), (3)(a), (6), (7), 206.89(1)(a), 206.92(1), (2), 206.93, 206.9825(2)(c), 206.9875, 206.9942(1), (2), (3), (4), (5), (6), (8), 207.014(1), 207.019, 207.022, 207.023(2), 210.05(3), 210.09(1), (5), 210.13, 210.14, 210.15(1)(a), (b), (d), (3), 210.16(3), (4), 210.161, 210.18(4)(a), (5)(a), 210.50(3), (4), 210.55(7), 211.01(15), 211.18, 211.33(1)(a), (2)(a), 212.031(2)(a), 212.0505(2), (6)(a), 212.0506(4), 212.0515(3)(a), 212.0596(2)(l), 212.0598(4), 212.07(1)(b), (2), (3), (4), (6), (9), 212.085, 212.095(2)(b), (c), (3)(b), (6)(a), (b), 212.10(1), (2), (3), 212.13(3), (4), 212.14(1), (3), (5), (7)(a), (i), 212.15(4), 212.16(2), (6), 212.17(1), (2), (3), 212.61(1)(b), (h), 212.62(2)(a), (c), 213.04, 213.051, 213.071, 213.22(2), 213.23, 213.70, 213.73(1), (2)(c), (3), 213.731, 213.732(3), 213.74, 213.75(1), 215.02, 215.03, 215.05, 215.07, 215.08, 215.09, 215.10, 215.11, 215.12, 215.28(2), (4), 215.32(2)(c), 215.35, 215.42, 215.43(2)(b), 215.44(1), (6), 215.444(2), 215.551(3), 215.62(1), (5), 215.68(3), (6), 215.684(2)(d), (4), 215.95(1), 216.023(6), 216.052(8), 216.081(2), 216.131, 216.137(1)(a), (b), (c), (3), 216.162, 216.164(1), (2), 216.165, 216.166, 216.167(1), (2), (3), (4), (5)(b), 216.168(1), (3), (4), 216.192(1), 216.212(2), 216.221(5)(a), (9), 216.231(3), 216.251(2)(b), 216.262(1)(d), (3), 216.345(4), 218.23(1)(d), 218.35(1), (2), (3), 218.36(1), (2), (3), 218.403(1), 218.409(8)(b), 218.503(3)(e), 219.01, 219.02, 219.05(2), (3), 219.06(1), (3), 219.201, 220.15(5)(c), 220.18(9), 220.188(5), 220.24(1), 220.735(1), (3), 220.739, 220.827, 220.903, 221.04(2), 222.01, 222.02, 222.03, 222.05, 222.061(1), (2), (3), (4), (5), (6), 222.07, 222.12, 222.13(1), 222.15, 222.17(1), (2), (3),

(4), 228.0855(3)(a), 228.0875(3)(a), 228.091(1)(b), (2), (3), (4), 228.093(2)(e), (3)(d), 228.111, 228.121(2), 228.502(1)(a), (2)(k), (3), (4)(b), (5)(d), (7), (9)(c), 229.012, 229.111(2), 229.501, 229.512, 229.559, 229.593(2)(a), (b), (5), 229.594(2)(a), 229.601(2), 229.8056(2), 230.04, 230.061(2), 230.10, 230.105(4), (6), (11), 230.15, 230.16, 230.19, 230.202(1), 230.21, 230.234, 230.24, 230.26, 230.28, 230.303(1), (6)(b), (c), 230.31, 230.32(3), (4), (6), 230.321(1), (2), 230.331(2), (3), 230.71(6)(e), 231.02(1), 231.087(2)(b), (3)(k), (6)(b), 231.263(3), (6)(a), (8), (10)(a), (b), (c), 231.29(1), (2)(c), (d), (6), 231.291(2)(c), (d), 231.3505, as amended by section 5 of chapter 92-67, Laws of Florida, 231.3505, as amended by section 40 of chapter 92-136, Laws of Florida, 231.36(2), (3)(e), (4), (6), (8), 231.361(2), 231.40(1), (2)(a), (b), (3), 231.41, 231.424(1), 231.44, 231.545(4), (5), 231.546(1)(c), 231.614(2)(a), (b), 231.621(2)(c), 231.6255(3), (4)(c), 232.02(4)(b), 232.0225(1)(a), (2)(a), (c), 232.023, 232.03, 232.034, 232.06(1), 232.17(2)(c), (d), (e), (f), (g), 232.245(1), 232.2452, 232.2462(2), 232.247, 232.25, 232.256(2), 232.257(4), 232.27, 232.275, 232.28(2), (3), 232.304(1), 232.40, 232.425, 232.44(2), 232.46(1)(b), 232.50(2), 233.011(6), 233.051(2), 233.058(2)(a), (4)(c), 233.0663(3)(d), 233.0664, 233.068(1)(b), (2)(f), 233.07(1)(c), (2)(a), (c), (d), 233.08, 233.09(1), (2), (3), (4)(b), (5)(b), 233.115(1), (3), (6), 233.15, 233.16(1), (3), (6), 233.22, 233.45, 233.46(2), (3), 234.021(2)(a), 234.091, 235.002(1), 235.195(2), 235.196(4), 235.33(1), 235.437(1)(t), 236.012(1), 236.0815, 236.29, and 236.52, Florida Statutes, and ss. 11.143(3)(a), (4)(b), 11.42(1), (2)(a), (3), (4), (5), (7), (8), (10), 11.45(2), (3)(a), (b), (e), (5), (7)(a), (b), (d), (9), 11.511(1)(a), (3)(b), (4), (5), 14.29(7)(b), 17.11(1), 18.125(4)(c), 20.05(1)(c), 20.055(1)(b), (5), (8), 20.15(1), 20.19(2)(b), (g), (3)(a), (d), (f), (4)(a), (5)(a), (8)(d), (9)(a), (c), (d), (e), (13)(e), (19)(a), 20.23(1)(b), (2)(d), (e), (g), (3)(e), (h), (i), (6), (7)(d), 20.255(7), 20.315(4)(d), (g), (5)(a), (b), (7), (8), (14)(e), (16)(b), (20), 20.316(6)(b), 24.105(13)(c), (20)(a), (b), 25.321, 28.222(1), (2), (3), 30.072(1), 30.073(1), (2)(b), (c), (3), (4), (5), 30.074, 30.075(5)(b), 30.076(3)(c), (d), (m), 30.231(3), 38.12, 39.001(1)(d), 39.01(16)(c), (29), (33), (37), (41), (42), 39.014, 39.021(7), (10)(a), 39.024(6)(a), 39.025(5)(a), 39.029(1), (3), (4), 39.034(3), (4), 39.037(1)(b), 39.038(2)(e), (3)(a), (4)(a), 39.042(3)(b), 39.044(1)(b), (2), (5)(d), 39.045(2), (7)(a), (8)(a), 39.046(3), 39.047(1)(a), 39.049(4)(a), 39.0495, 39.052(3)(a), (c), (d), (e), 39.054(1)(a), (c), (f), (7), 39.057(3), (12)(d), 39.0587(1)(c), (d), 39.062(1), (2), (3), 39.067(2), (3), (4), 45.031(1), (4), (7), 48.21, 55.10(7), 55.502(2), 55.605(2)(a), 55.606(2), 55.607, 57.081(2), (3), 61.046(1), (7), 61.1301(1)(e), (2)(a), (d), (e), (g), (h), (k), 61.16(2)(c), 61.30(11)(j), (14), 61.402, 61.403(8), 68.07(1), (2)(e), 73.092(5), 83.241, 83.49(1), (2), (3)(a), (b), (c), (8), (9), 83.56(5), 83.60(1), 83.62, 88.031(10), 88.171(1)(c), (2), 90.502(4)(c), 92.53(2)(b), 92.54(2), 97.012, 97.021(1)(b), (c), (d), (e), (f), (2)(b), (3)(c), (27), 97.023(1)(b), (2)(d), 97.061(3), 98.015(1), (5), (6), (7), (8), 98.075(2), (3), 98.081(1), (2), 98.093(5), 100.025, 101.001(5), 101.045(1), (2)(a), (e), (3), 101.663, 102.155, 104.012(1), 104.013(1), 106.26(1), (2), (4), (5), (6), (7), (12), 110.112(3)(d), 110.1127(5), 110.122(5)(b), 110.123(3)(d), (9), 110.203(22), (23), 110.215(3), 112.061(2)(c), (e), (m), (3)(a), (e), (f), (g), (4), (5)(a), (7)(a), (h), (10), (11)(a), (12), (13), 112.19(2)(a), (c), (d), (3)(b), 112.191(2)(a), (c), (d), (3)(a), 112.313(3), (4), (5), (6), (7)(a), (8), (9)(a), (c), (10), (12)(b), (e), (i), (j), (14), (15)(b), (c), 112.3135(2)(a), 112.3143(2), (3)(a), (4), 112.3144(1), (3)(f), 112.3145(2)(a), (3)(a), (b), (4), (5), (6)(b), (c), (8), 112.3148(2)(b), (d), (4), (5), (6)(d), (8)(a), (e), (10), 112.3149(1)(a), (c), (d), (5), (6), (8), 112.317(6), 112.3173(2)(e), (3), (4)(c), (5)(d), 112.3185(4), (5), (6),

112.322(2)(a), (3)(a), (4), 112.324(9), 112.63(1)(f), 119.07(1)(a), (c), (2)(a), (d), (3)(c), (l), (x), 120.57(1)(b), 120.575(3)(a), 121.021(1), (13), (14), (15)(a), (17)(a), (18), (19)(a), (c), (d), (22), (26)(b), (28)(c), (30), (38), 121.051(1), (2)(a), (4), 121.052(3), (4)(a), (b), (d), (5)(a), (b), (6), (11)(c), (12)(a), (c), 121.055(1)(c), (6)(b), 121.071(2)(b), 121.136, 121.22(2), (3), 121.23(1)(a), (b), (2), 121.24(1)(b), (5), 121.35(3)(b), (f), (h), 121.40(4)(b), (5), (6), (7), (8), (11)(a), (b), 125.01(1)(v), 125.0104(4)(e), (8)(a), (b), 125.563(3), (4), 159.803(3), 161.053(2), 161.101(2), 161.141, 161.161(5), 162.05(2), (3)(e), (4), 162.06(2), 162.07(1), 162.21(3)(c), 163.3184(12), 163.3187(1)(a), 163.340(4), 171.0413(3), 175.121(2), 175.181(1), (2)(a), 175.401(8), (9), 177.031(13), 177.061, 177.091(8), 177.141, 177.503(9), 177.507(1), 185.10(2), 185.162(1), 185.50(8), (9), 192.001(3), (11)(a), 192.037(6)(c), (10), 193.063, 193.073(1)(a), (2), 193.085(1), 193.114(2)(e), (3)(d), (5), 193.1142(1), 193.461(2), (3)(a), 193.621(6), 194.171(3), 196.011(5), (6), (12), 196.012(18), 196.031(1), (2), 196.041, 196.101(3), 196.131(1), 196.1995(8)(d), 197.402(3), 197.413(2), (3), (4), (6), (8), 199.135(3), 200.065(2)(d), (13), 200.069, 201.022(3), (4), 205.065, 206.60(1)(b), 206.605(1)(b), 206.877(1)(b), (2)(a), 210.01(16), 210.021, 211.32(1)(g), 212.02(2), (16)(d), 212.03(4), 212.0305(3)(i), (j), (4)(c), (d), (e), 212.04(2)(a), (6), 212.05(1)(a), (h), (j), (k), (2), 212.06(1)(b), (2)(c), (4), (5)(a), (b), 212.08(3), (7)(c), (o), (10), (11)(d), 212.096(1), 212.11(1)(a), (e), (6)(c), 212.12(1), (2)(c), (5)(b), (6)(b), (7), (9), 212.18(5), 212.67(1)(b), (e), (2)(a), (b), (3)(b), (6)(a), (b), 213.053(3), (5), (6), (11), 213.21(2)(a), 213.67(1), (2), (3), (5), (6)(a), 215.26(1), (5), 215.422(9), 215.96(2), 216.011(1)(f), 216.0235(6), 216.031, 216.136(4)(b), 216.163(2)(a), (b), (g), (h), (j), (5), (6), 216.177(1), (2), 216.292(2), (3), 219.075(1)(a), (2), 220.02(1), 220.03(1)(g), (q), (5)(b), 220.182(9), 228.041(10)(b), (27), (28), (29)(a), 228.053(8)(a), (11)(a), 228.054(1), 229.592(3)(e), 229.8058(2), (5), (6), 229.8064, 229.8075(3), 230.23(1), (4)(l), (m), (o), (11)(b), 230.2301, 230.2305(10)(c), 230.23135(2)(b), (3)(m), 230.2316(2), 230.33, 231.15(2), 231.17(2)(g), 231.24(2)(b), 231.262(3), (4), 231.3605(1)(a), (c), 231.361(2), 232.01(1)(c), 232.032(4)(a), (e), (5)(a), 232.19(6), 232.246(9), 232.2465(1)(d), (2), (3), 232.26(1)(c), (2), 233.067(7), 235.42(1), 236.013(2)(c), (4), and 236.081(1)(p), Florida Statutes (1994 Supplement), pursuant to the directive in s. 1, ch. 93-199, Laws of Florida; removing gender-specific references applicable to human beings from volume 1 of the Florida Statutes without substantive changes in legal effect.

Section 24. Subsection (1) of section 11.60, Florida Statutes, is amended to read:

11.60 Administrative Procedures Committee; creation; membership; powers; duties:---

(1) There is created a joint standing committee of the Legislature designated as the "Administrative Procedures Committee," comprised of six members appointed as follows: three members of the House of Representatives appointed by the Speaker of the House of Representatives, one of whom shall be a member of the minority party; and three members of the Senate appointed by the President of the Senate, one of whom shall be a member of the minority party. The president shall

appoint the chair ~~chairman~~ in even years and the vice chair ~~chairman~~ in odd years, and the speaker shall appoint the chair ~~chairman~~ in odd years and the vice chair ~~chairman~~ in even years, from among the committee membership. Vacancies shall be filled in the same manner as the original appointment. Members shall serve without additional compensation, but shall be reimbursed for expenses.

Section 756. Paragraph (b) subsection (5) of section 120.53, Florida Statutes, is amended to read:

120.53. Adoption of rules of procedure and public inspection.--

(5) An agency which enters into a contract pursuant to the provisions of ss. 282.303-282.313, chapter 255, chapter 287, or chapters 334-349 shall adopt rules specifying procedures for the resolution of protests arising from the contract bidding process. Such rules shall at least provide that:

(b) Any person who is affected adversely by the agency decision or intended decision shall file with the agency a notice of protest in writing within 72 hours after the posting of the bid tabulation or after receipt of the notice of the agency decision or intended decision and shall file a formal written protest within 10 days after the date he or she filed the notice of protest. With respect to a protest of the specifications contained in an invitation to bid or in a request for proposals, the notice of protest shall be filed in writing within 72 hours after the receipt of notice of the project plans and specifications or intended project plans and specifications in an invitation to bid or request for proposals, and the formal written protest shall be filed within 10 days after the date the notice of protest is filed. Failure to file a notice of protest or failure to file a formal written protest shall constitute a waiver of proceedings under this chapter. The formal written protest shall state with particularity the facts and law upon which the protest is based.

Section 758. Paragraph (c) of subsection (4), paragraph (b) of subsection (11), and subsection (17) of section 120.54, Florida Statutes, are amended to read:

120.54. Rulemaking; adoption procedures

(4)

(c) Immediately upon receipt of the petition, the division shall forward copies of the petition to the agency whose rule is challenged, the Department of State, and the committee. Within 10 days after receiving the petition, the division director, if he or she determines that the petition complies with the above requirements, shall assign a hearing officer who shall conduct a hearing within 30 days thereafter, unless the petition is withdrawn. Within 30 days after conclusion of the hearing, the hearing officer shall render a ~~his~~ decision and state the reasons therefor in writing. The division shall forthwith transmit copies of the hearing officer's decision to the Department of State and to the committee. The hearing

officer may declare the proposed rule wholly or partly invalid. The proposed rule or provision of a proposed rule declared invalid shall be withdrawn from the committee by the adopting agency and shall not be adopted. No rule shall be filed for adoption until 28 days after the notice required by subsection (1) or until the hearing officer has rendered a ~~his~~ decision, as the case may be. However, the agency may proceed with all other steps in the rulemaking process, including the holding of a factfinding hearing pursuant to subsection (3). In the event part of a proposed rule is declared invalid, the adopting agency may, in its sole discretion, withdraw the proposed rule in its entirety. The agency whose proposed rule has been declared invalid in whole or part shall give notice of the decision in the first available issue of the Florida Administrative Weekly.

(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 no less than 28 days or more than 90 days after the notice required by subsection (1). If a public hearing is held, the 90-day limit is extended to 21 days after adjournment of the final hearing on the rule, 21 days after receipt of all material authorized to be submitted at the hearing, or 21 days after receipt of the transcript, if one is made, whichever is latest. For purposes of this paragraph, the term "public hearing" includes any public meeting held by any agency at which the rule is considered. The filing of a petition for an administrative determination under the provisions of subsection (4) will toll the 90-day period during which a rule must be filed for adoption until the hearing officer has filed the ~~his~~ order with the clerk. At the time a rule is filed, the agency shall certify that the time limitations prescribed by this subsection have been complied with and that there is no administrative determination pending on the rule. The department shall reject any rule not filed within the prescribed time limits or upon which an administrative determination is pending. If a rule has not been adopted within the time limits imposed by this section, the agency proposing the rule shall withdraw the rule and give notice of its action in the same manner as is prescribed in paragraphs (1)(a) and (b).

(17) Rulemaking proceedings shall be governed solely by the provisions of this section unless a person timely asserts that his or her substantial interests will be affected in the proceeding and affirmatively demonstrates to the agency that the proceeding does not provide adequate opportunity to protect those interests. If the agency determines that the rulemaking proceeding is not adequate to protect the person's ~~his~~ interests, it shall suspend the rulemaking proceeding and convene a

separate proceeding under the provisions of s. 120.57. Similarly situated persons may be requested to join and participate in the separate proceeding. Upon conclusion of the separate proceeding, the rulemaking proceeding shall be resumed.

Section 759. Subsections (2), (3), and (4) of section 120.56, Florida Statutes, are amended to read:

120.56. Administrative determination of rule by hearing officer

(2) The petition seeking an administrative determination under this section shall be in writing and shall state with particularity facts sufficient to show the person seeking relief is substantially affected by the rule and facts sufficient to show the invalidity of the rule. The petition shall be filed with the division which shall, immediately upon filing, forward copies of the petition to the agency whose rule is challenged, the Department of State, and the committee. Within 10 days after receiving the petition, the division director shall, if he or she determines that the petition complies with the above requirements, assign a hearing officer who shall conduct a hearing within 30 days thereafter, unless the petition is withdrawn.

(3) Within 30 days after the hearing, the hearing officer shall render a ~~his~~ decision and state the reasons therefor in writing. The division shall forthwith transmit copies of the hearing officer's decision to the Department of State and to the committee. The hearing officer may declare all or part of a rule invalid. The rule or part thereof declared invalid shall become void when the time for filing an appeal expires or at a later date specified in the decision. The agency whose rule has been declared invalid in whole or part shall give notice of the decision in the Florida Administrative Weekly in the first available issue after the rule has become void.

(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 or she determines that the petition complies with subsection (2), 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 a ~~his~~ decision and otherwise comply with the provisions of subsection (3) not inconsistent herewith.

Section 760. 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 statutory provision or of any rule or order of the agency as it applies to the petitioner in his or her particular set of circumstances only. The agency shall give notice of each petition and its disposition in the

Florida Administrative Weekly, except that educational units shall give notice in the same manner as provided for rules in s. 120.54(1)(a), and transmit copies of each petition and its disposition to the committee. Agency disposition of petitions shall be final agency action.

Section 761. Subsection (4) of section 120.59, Florida Statutes, is amended to read:

120.59. Orders --

(4) Parties shall be notified either personally or by mail of any order; and, unless waived, a copy of the final order shall be delivered or mailed to each party or to each party's ~~his~~ attorney of record. Each notice shall inform the recipient of any administrative hearing or judicial review that is available under s. 120.57 or s. 120.68, shall indicate the procedure which must be followed to obtain the hearing or judicial review, and shall state the time limits which apply.

Section 762. Subsections (2) and (3) and paragraph (b) of subsection (5) of section 120.60, Florida Statutes, are amended to read:

120.60. Licensing

(2) When an application for a license is made as required by law, the agency shall conduct the proceedings required with reasonable dispatch and with due regard to the rights and privileges of all affected parties or aggrieved persons. Within 30 days after receipt of an application for a license, the agency shall examine the application, notify the applicant of any apparent errors or omissions, and request any additional information the agency is permitted by law to require. Failure to correct an error or omission or to supply additional information shall not be grounds for denial of the license unless the agency timely notified the applicant within this 30-day period. The agency shall notify the applicant if the activity for which ~~he seeks~~ a license is sought is exempt from the licensing requirement and return any tendered application fee within 30 days after receipt of the original application or within 10 days after receipt of the timely requested additional information or correction of errors or omissions. Every application for license shall be approved or denied within 90 days after receipt of the original application or receipt of the timely requested additional information or correction of errors or omissions unless a shorter period of time for agency action is provided by law. The 90-day or shorter time period will be tolled by the initiation of a proceeding under s. 120.57 and will resume 10 days after the recommended order is submitted to the agency and the parties. Any application for a license which is not approved or denied within the 90-day or shorter time period, within 15 days after conclusion of a public hearing held on the application, or within 45 days after the recommended order is submitted to the agency and the parties, whichever is latest, shall be deemed approved; and, subject to the satisfactory completion of an examination, if required as a prerequisite to licensure, the

license shall be issued. The Public Service Commission, when issuing a license, and any other agency, if specifically exempted by law, shall be exempt from the time limitations within this subsection. Each agency, upon issuing or denying a license, shall state with particularity the grounds or basis for the issuance or denial of the license, except when issuance is a ministerial act. On denial of a license application on which there has been no hearing, the denying agency shall inform the applicant of any right to a hearing pursuant to s. 120.57.

(3) Each applicant shall be given written notice either personally or by mail that the agency intends to grant or deny, or has granted or denied, the application for license. Unless waived, a copy of the notice shall be delivered or mailed to each party's attorney of record and to each person who has requested notice of agency action. Each notice shall inform the recipient of any administrative hearing or judicial review which may be available ~~to him~~, shall indicate the procedure which must be followed, and shall state the applicable time limits. The issuing agency shall certify that the notice was given. The certification shall show the time and date the notice was mailed or delivered and shall be filed with the agency clerk.

(5) In proceedings for the issuance, denial, renewal, or amendment of a license or approval of a merger pursuant to title XXXVIII:

(b) Should a hearing be requested pursuant to subparagraph 2. of paragraph (a), the applicant or licensee shall publish at his or her 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.

Section 763. Section 120.62, Florida Statutes, is amended to read:

120.62. Agency investigations

(1) No process, requirement of a report, inspection, or other investigative act or demand shall be issued, made, or enforced in any manner or for any purpose except as authorized by law. Every person who responds to a request or demand by any agency or representative thereof for written data or an oral statement shall be entitled to a transcript of his or her oral statement at no more than cost.

(2) Any person compelled to appear, or who appears voluntarily, before any hearing officer or agency in an investigation or in any agency proceeding has the right, at his or her own expense, to be accompanied, represented, and advised by counsel or by other qualified representatives.

Section 764. Subsection (4) of section 120.65, Florida Statutes, is amended to read:

120.65. Hearing officers.—

(4) 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 or she has been a member of The Florida Bar in good standing for the preceding 5 years.

Section 765. Paragraph (b) of subsection (1) and subsections (2) and (3) of section 120.66, Florida Statutes, are 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:

(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 or her 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.

(2) A hearing officer who is involved in the decisional process and who receives an ex parte communication in violation of subsection (1) shall place on the record of the pending matter all written communications received, all written responses to such communications, and a memorandum stating the substance of all oral communications received and all oral responses made, and shall also advise all parties that such matters have been placed on the record. Any party desiring to rebut the ex parte communication shall be allowed to do so, if such party requests the opportunity for rebuttal within 10 days after notice of such communication. The hearing officer may, if the officer ~~he~~ deems it necessary to eliminate the effect of an ex parte communication received by him or her, withdraw from the proceeding, in which case the division shall assign a successor.

(3) Any person who makes an ex parte communication prohibited by subsection (1), and any hearing officer who fails to place in the record any such communication, is in violation of this act and may be assessed a civil penalty not to exceed \$500 or be subjected to such other disciplinary action as his or her superiors may determine.

Section 766. Paragraph (c) of subsection (4) of section 120.69, Florida Statutes, is amended to read:

120.69. Enforcement of agency action

(4) In all enforcement proceedings:

(c) Should any party willfully fail to comply with an order of the court, the court shall punish that party ~~him~~ in accordance with the law applicable to contempt committed by a person in the trial of any other action.

Section 767. 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 may be disqualified from serving in an agency proceeding for bias, prejudice, or interest when any party to the agency proceeding shows just cause by a suggestion filed within a reasonable period of time prior to the agency proceeding. If the disqualified individual holds the ~~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. However, if a quorum remains after the individual is disqualified, it shall not be necessary to appoint a substitute to serve in the matter from which the individual is disqualified.

Section 1420. Paragraph (b) of subsection (1) of section 120.57, Florida Statutes (1994 Supplement), is amended to read:

120.57 Decisions which affect substantial interests.-The provisions of this section apply in all proceedings in which the substantial interests of a party are determined by an agency, unless such proceedings are exempt pursuant to subsection (5). Unless waived by all parties, subsection (1) applies whenever the proceeding involves a disputed issue of material fact. Unless otherwise agreed, subsection (2) applies in all other cases.

(1) FORMAL PROCEEDINGS.-

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

1. A request for a hearing 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 a preliminary hearing for the revocation of parole, no less than 7 days' notice shall be given. In a hearing involving a student disciplinary suspension or expulsion conducted by an educational unit, the 14-day notice requirement may be waived by the agency head or the hearing officer with- out 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. Except for any hearing before an unemployment compensation appeals referee, 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 any proceeding conducted as prescribed in s. 120.54(4) or s. 120.56, a petition or request for a hearing under this section shall be filed with the agency. If the agency elects to request a hearing officer from the division, it shall so notify the division within 15 days of receipt of the petition or request. When the Florida Land and Water Adjudicatory Commission receives a notice of appeal pursuant to s. 380.07, the commission shall notify the division within 60 days of receipt of the notice of appeal if the commission elects to request the assignment of a hearing officer. On the request of any agency, the division shall assign a hearing officer with due regard to the expertise required for the particular matter. The referring agency shall take no further action with respect to the formal proceeding, except as a party litigant, as long as the division has jurisdiction over the formal proceeding. Any party may request the disqualification of the 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. All pleadings, motions, or other papers filed in the proceeding must be signed by a party, the party's attorney, or the party's qualified representative. The signature of a party, a party's attorney, or a party's qualified representative constitutes a certificate that he or she has read the pleading, motion, or other paper and that, to the best of his or her knowledge, information, and belief formed after reasonable inquiry, it is not interposed for any improper purposes, such as to harass or to cause unnecessary delay or for frivolous purpose or needless increase in the cost of litigation. If a pleading, motion, or other paper is signed in violation of these requirements, the hearing officer, upon motion or the officer's ~~his~~ own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay the

other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee.

6. The record in a case 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 s. 120.66(1), if such communications are public records;

h. All matters placed on the record after an ex parte communication pursuant to s. 120.66(2); and

i. The official transcript.

7. 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. In any proceeding before a hearing officer initiated by a consumptive use permit applicant pursuant to subparagraph 14., the applicant shall bear the cost of accurately and completely preserving all testimony and providing full or partial transcripts to the water management district. At the request of any other party, full or partial transcripts shall be provided at no more than cost.

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

9. Except as provided in subparagraph 13., the hearing officer shall complete and submit to the agency and all parties a recommended order consisting of the officer's ~~his~~ findings of fact, conclusions of law, interpretation of administrative rules, and 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.

10. The agency may adopt the recommended order as the final order of the agency. The agency in its final order may reject or modify the conclusions of law and interpretation of administrative rules in the recommended order. The agency may not reject or modify the findings of fact, including findings of fact that form the basis for an agency statement, 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 the recommended penalty in a recommended order, but may not reduce or increase it without a review of the complete record and without stating with particularity its reasons therefor in the order, by citing to the record in justifying the action. When there is an appeal, the court in its discretion may award reasonable attorney's fees and costs to the prevailing party if the court finds that the appeal was frivolous, meritless, or an abuse of the appellate process or that the agency action which precipitated the appeal was a gross abuse of the agency's discretion.

11. 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.

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

13. In any application for a license or merger pursuant to title XXXVIII which is 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 findings 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.

14. In any application for a consumptive use permit pursuant to part II of chapter 373, the water management district on its own motion may, or, at the request of the applicant for the permit, shall, refer the matter to the division for the appointment of a hearing officer to conduct a hearing under this section.

15. Each agency statement defined as a rule under s. 120.52 and not adopted by the rulemaking procedure provided by s. 120.54 which is relied upon by an agency to determine the substantial interests of a party shall be subject to de novo review by a hearing officer. A statement shall not enlarge, modify, or contravene the specific provision of law implemented or otherwise exceed delegated legislative authority. The statement applied as a result of a proceeding pursuant to this subsection shall be demonstrated to be within the scope of delegated legislative authority. Recommended and final orders pursuant to this subsection shall provide an explanation of the statement that includes the evidentiary basis which supports the statement applied and a general discussion of the justification for the statement applied.

Section 1421. Paragraph (a) of subsection (3) of section 120.575, Florida Statutes (1994 Supplement), is amended to read:

120.575 Taxpayer contest proceedings.-

(3)(a) Before a taxpayer may file a petition under this chapter, he or she. shall pay to the applicable department the amount of taxes, penalties, and accrued interest assessed by that department which are not being contested by the taxpayer. Failure to pay the uncontested amount shall result in the dismissal of the action and imposition of an additional penalty of 25 percent of the amount taxed.