

Section 120.63

CHAPTER 74-310

Section 1. Chapter 120, Florida Statutes, consisting of sections 120.50, 120.51, 120.52, 120.53, 120.54, 120.55, 120.56, 120.57, 120.58, 120.59, 120.60, 120.61, 120.62, 120.63, 120.64, 120.65, 120.66, 120.68, 120.69, 120.70, and 120.71, is created to read:

Section 120.63 is created to read:

120.63 Exemption from act.--

(1) Upon application of any agency, the administration commission may exempt any process or proceeding governed by this act from one or more requirements of this act when:

(a) The agency head has certified that the requirement would conflict with any provisions of federal law or rules with which the agency must comply or in order to permit persons in the state to receive tax benefits or federal funds under any federal law; or

(b) The administration commission has found that conformity with the requirements of the part or parts of this act for which exemption is sought would be so inconvenient or impractical as to defeat the purpose of the agency proceeding involved or the purpose of this act and would not be in the public interest in light of the nature of the intended action and the enabling act or other laws affecting the agency.

(2) The commission may not exempt an agency from any requirement of this act pursuant to this section until it establishes alternative procedures to achieve the agency's purpose which shall be consistent, insofar as possible, with the intent and purpose of the act.

(a) Prior to the granting of any exemption authorized by this section, the commission shall hold a public hearing after notice given as provided in subsection s. 120.54(1).

(b) An exemption, and any alternative procedure prescribed, shall terminate 90 days following adjournment sine die of the current or next regular legislative session after issuance of the exemption, or upon the effective date of any subsequent legislation incorporating the exemption or any partial exemption related thereto, whichever is earlier. The exemption issued by the commission shall be renewable upon the same or similar facts not more than once. Such renewal shall terminate as would an original exemption.

CHAPTER 76-131

Section 11. Paragraph (a) of subsection (2) of section 120.63, Florida Statutes, is amended to read:

120.63 Exemption from act.--

(2) The commission may not exempt an agency from any requirement of this act pursuant to this section until it establishes alternative procedures to achieve the agency's purpose which shall be consistent, insofar as possible, with the intent and purpose of the act.

(a) Prior to the granting of any exemption authorized by this section, the commission shall hold a public hearing after notice given as provided in subsection s. 120.54(1). Upon the conclusion of the hearing, the commission shall transmit a copy of the petition, a certified copy of the order granting or denying the petition, and a copy of any alternative procedures prescribed and shall give notice of the petition and the commission's response in the Florida Administrative Weekly.

CHAPTER 77-53

Section 1. Subsection (3) is added to section 120.63, Florida Statutes, 1976 Supplement, to read:

120.63 Exemption from act; Division of Pari-mutuel Wagering.--

(3) The Division of Pari-mutuel Wagering is exempted from the hearing and notice requirements of s. 120.57(1)(a) and (b), but only for stewards, judges, and boards of judges when the hearing is to be held for the purpose of the imposition of fines or suspension as provided by the Division of Pari-mutuel Wagering rules, but not for revocations, and only upon violations (a) through (f) below. The Division of Pari-mutuel Wagering shall adopted rules establishing alternative procedures, including a hearing upon reasonable notice, for the following violations:

(a) Horse riding, harness riding, greyhound interference, and jai alai game actions in violation of chapters 550 and 551.

(b) Application and usage of drugs and medication to horses, greyhounds and jai alai players in violation of chapters 550 and 551.

(c) Maintaining or possessing any device which could be used for the injection or other infusion of a prohibited drug to horses, greyhounds, and jai alai players in violation of chapters 550 and 551.

(d) Suspensions under reciprocity agreements between the Division of Pari-mutuel Wagering and regulatory agencies of other states.

(e) Assault or other crimes of violence on pari-mutuel wagering licensed premises.

(f) Prearranging the outcome of any race or game.

CHAPTER 77-453

Section 8. Paragraphs (a) and (b) of subsection (2) of section 120.63, Florida Statutes, 1976 Supplement, are amended to read:

120.63 Exemption from act.--

(2) The commission may not exempt an agency from any requirement of this act pursuant to this section until it establishes alternative procedures to achieve the agency's purpose which shall be consistent, insofar as possible, with the intent and purpose of the act.

(a) Prior to the granting of any exemption authorized by this section, the commission shall hold a public hearing after notice given as provided in subsection s. 120.54(1). Upon the conclusion of the hearing, the commission, through the Secretary of Administration, shall issue an order specifically granting or denying the exemption and specifying any processes or proceedings exempted and the extent of the exemption, and shall transmit to the committee and to the Department of State a copy of the petition, a certified copy of the order granting or denying the petition, and a copy of any alternative procedures prescribed and shall give notice of the petition and the commission's response in the Florida Administrative Weekly.

(b) An exemption, and any alternative procedure prescribed, shall terminate 90 days following adjournment sine die of the current or next regular legislative session after issuance of the exemption, or upon the effective date of any subsequent legislation incorporating the exemption of any partial exemption related thereto, whichever is earlier. The exemption issued by the commission and it shall be renewable upon the same or similar facts not more than once. Such renewal shall terminate as would an original exemption. 90 days following adjournment sine die of the next regular legislative session following the renewal

CHAPTER 79-190

Section 87. Paragraph (a) of subsection (2) of section 120.63, Florida Statutes, is amended to read:

120.63 Exemption from act; Division of Pari-mutuel Wagering.--

(2) The commission may not exempt an agency from any requirement of this act pursuant to this section until it establishes alternative procedures to achieve the agency's purpose which shall be consistent, insofar as possible, with the intent and purpose of the act.

(a) Prior to the granting of any exemption authorized by this section, the commission shall

hold a public hearing after notice given as provided in subsection s. 120.54(1). Upon the conclusion of the hearing, the commission, through the Executive Office of the Governor Secretary of Administration, shall issue an order specifically granting or denying the exemption and specifying.

CHAPTER 79-299

Section 7. Subsection (3) of section 120.63, Florida Statutes, is transferred and renumbered as section 120.633, Florida Statutes.

Subsection (3) of section 120.63, Florida Statutes is transferred and renumbered as section 120.633, Florida Statutes.

CHAPTER 79-400

Section 70. Paragraph (b) of subsection (2) of section 120.63, Florida Statutes, is amended to read:

120.63 Exemption from act; Division of Pari-mutuel Wagering.--

(2) The commission may not exempt an agency from any requirement of this act pursuant to this section until it establishes alternative procedures to achieve the agency's purpose which shall be consistent, insofar as possible, with the intent and purpose of the act.

(b) An exemption and any alternative procedure prescribed shall terminate 90 days following adjournment sine die of the then-current or next regular legislative session after issuance of the exemption order, or upon the effective date of any subsequent legislation incorporating the exemption or ~~of~~ any partial exemption related thereto, whichever is earlier. The exemption granted ~~issued~~ by the commission shall be renewable upon the same or similar facts not more than once. Such renewal shall terminate as would an original exemption.

Note.--Amended to improve clarity and to correct an apparent error in engrossing House amendment 2 to S.B. 553 (1977). (See 1977 House Journal, p. 707, and 1977 Senate Journal, p. 558, and s. 8, ch. 77-453, Laws of Florida.)

CHAPTER 81-259

Section 58. Paragraph (a) of subsection 120.63, Florida Statutes, is reenacted to read:

120.63 Exemption from act; Division of Pari-mutuel Wagering.--

(2) The commission may not exempt an agency from any requirement of this act pursuant to this section until it establishes alternative procedures to achieve the agency's purpose which

shall be consistent, insofar as possible, with the intent and purpose of the act.

(a) Prior to the granting of any exemption authorized by this section, the commission shall hold a public hearing after notice given as provided in subsection s. 120.54(1). Upon the conclusion of the hearing, the commission, through the Executive Office of the Governor, shall issue an order specifically granting or denying the exemption and specifying any process or proceedings exempted and the extent of the exemption; transmit to the committee and to the Department of State a copy of the petition, a certified copy of the order granting or denying the petition, and a copy of any alternative procedures prescribed; and give notice of the petition and the commission's response in the Florida Administrative Weekly.

Note.--This reenactment serves to confirm the existence of that portion of paragraph (2)(a) beginning after the word "specifying" which portion appears to have been inadvertently omitted from republication when s. 120.63(2)(a) was amended by s. 87, ch. 79-190, Laws of Florida. See Senate Amendment 21 to C.S. for H.B.'s 1604 and 1649, 1979 Senate Journal, pp. 859-860.

CHAPTER 96-159

Section 1. It is the intent of the Legislature to consider the impact of any agency rulemaking required by proposed legislation and to determine whether the proposed legislation provides adequate and appropriate standards and guidelines to direct the agency's implementation of the proposed legislation.

Section 29. Paragraph (a) of subsection (2) of section 120.63, Florida Statutes, is amended to read:

120.63 Exemption from act

(2) The commission may not exempt an agency from any requirement of this act pursuant to this section until it establishes alternative procedures to achieve the agency's purpose which shall be consistent, insofar as possible, with the intent and purpose of the act.

(a) Prior to the granting of any exemption authorized by this section, the commission shall hold a public hearing after notice given as provided in s. ~~120.54(1)~~ 120.525. Upon the conclusion of the hearing, the commission, through the Executive Office of the Governor, shall issue an order specifically granting or denying the exemption and specifying any processes or proceedings exempted and the extent of the exemption; transmit to the committee and to the Department of State a copy of the petition, a certified copy of the order granting or denying the petition, and a copy of any alternative procedures prescribed; and give notice of the petition and the commission's response in the Florida Administrative Weekly.

CHAPTER 2013-14

Senate Bill No. 688

Section 10. Paragraph (a) of subsection (2) of section 120.63, Florida Statutes, is amended to read:

120.63 Exemption from act.—

(2) The commission may not exempt an agency from any requirement of this act pursuant to this section until it establishes alternative procedures to achieve the agency's purpose which shall be consistent, insofar as possible, with the intent and purpose of the act.

(a) Prior to the granting of any exemption authorized by this section, the commission shall hold a public hearing after notice given as provided in s. 120.525. Upon the conclusion of the hearing, the commission, through the Executive Office of the Governor, shall issue an order specifically granting or denying the exemption and specifying any processes or proceedings exempted and the extent of the exemption; transmit to the committee and to the Department of State a copy of the petition, a certified copy of the order granting or denying the petition, and a copy of any alternative procedures prescribed; and give notice of the petition and the commission's response in the Florida Administrative Register ~~Weekly~~.