

2004 SUMMARY OF AMENDMENTS TO CHAPTER 120

Chapter 2004-212, Laws of Florida, amended s. 120.55(5), F.S., to delete the reference to the “Publication Revolving Trust Fund” of the Department of State. The statute now provides that all fees and moneys collected by the department under chapter 120 shall be deposited in the Records Management Trust Fund for the purpose of paying for the publication and distribution of the Florida Administrative Code and the Florida Administrative Weekly and for associated costs incurred by the department in carrying out the chapter. The amendment to s. 120.55(5), F.S., also deleted the provision authorizing the department to add a surcharge of 10% to any charge relating to the Florida Administrative Weekly until such time as the Publication Revolving Trust Fund has transferred to the General Revenue Fund an amount equal to all funds appropriated to the trust fund. Effective date: July 1, 2004.

Chapter 2004-247, Laws of Florida, amended s. 120.65, F.S., to add new subsection (11), which provides that the Division of Administrative Hearings shall be reimbursed for administrative law judge services and travel expenses by the following entities: water management districts, regional planning councils, school districts, community colleges, the Division of Community Colleges, state universities, the State Board of Education, the Florida School for the Deaf and the Blind, and the Commission for Independent Education. The named entities are to contract with DOAH to establish a contract rate for services and expenses based on a total-cost-recovery methodology. Effective date: July 1, 2004.

Chapter 2004-254, Laws of Florida, amended s. 120.80(2), F.S., to provide that the provisions of ss. 120.54 and 120.56, F.S., shall not apply to any statement or action by the Department of Agriculture and Consumer Services in furtherance of its duties pursuant to s. 581.184(2), F.S. Section 581.184(2), F.S., authorizes the department to remove and destroy all citrus trees exposed to or infected with citrus canker after notification to the property owner by immediate final order. Effective date: May 12, 2004.

Chapter 2004-269, Laws of Florida, implementing the General Appropriations Act for fiscal year 2004-2005, amended s. 120.551(3), F.S., to provide for the continued Internet publication of notices of the Department of Environmental Protection and the Board of Trustees of the Internal Improvement Trust Fund on DEP’s website in lieu of publication in the Florida Administrative Weekly. Section 120.551, F.S., is repealed effective July 1, 2005, unless reviewed and reenacted by the Legislature before that date. Effective date: July 1, 2004.

Chapter 2004-334, Laws of Florida, amended s. 120.80(14), F.S., to provide that proceedings for the establishment of administrative support orders pursuant to s. 409.2563, F.S., held by the Division of Administrative Hearings shall be held in the judicial circuit where the person receiving services under Title IV-D resides or, if the person does not reside in this state, in the judicial circuit where the respondent resides.

By agreement of the Department of Revenue and the respondent, the hearing may be held in another location. Effective date: June 18, 2004.

Chapter 2004-335, Laws of Florida, amended s. 120.55(1)(a), F.S., to provide that the Department of State shall, through a continuous revision system, compile and publish the Florida Administrative Code. Deleted language required the Department of State to “publish in a permanent compilation entitled ‘Florida Administrative Code’ all rules adopted by each agency....” Effective date: October 1, 2004.