

# CHAPTER 79-400

## House Bill No. 1674

An act relating to the Florida Statutes; amending ss 11.075, 11.60(2) (i), 13.211(6), 13.241, 17.075, 18.11(1)(g), 27.36(4), 27.37(8), 27.56(1) (a), (3), (6), (7), 27.562, 30.09(4), 34.041(1), 61.1304(9), 61.1306(5), (10), 69.021(1), 73.071(3) (c), 83.49(4), 83.770, 83.776(2), 83.784(4), 97.021(6), (9) (a), 97.063(1), 98.212(3), 99.021(1) (a), 99.092(3), 99.095(3), (4), 100.111(3) (a), 101.031(2), 101.141, 101.151, 101.21(1), 101.22, 101.27(4), 101.47(12), 101.5609(6), 101.5612(1), 101.62(3), (4), 101.68(2), 101.73, 102.012(1), (2), 102.061, 102.071, 102.131, 102.141(3), 102.166, 102.168, 103.121(1) (g), 104.061, 104.071(2), 104.29, 105.041(2), 106.021(1) (c), 106.04(5), 106.07(4) (a)-(c), (e), (g), (h), 106.141(8), 106.15(2), 106.19(2), 106.24(2), 106.29(1), 112.045(2) (b), 112.08(1), (2), 114.04, 120.63(2) (b), 125.0103(5) (c), 125.0104(3) (c), (i), (4) (e), (5) (a), 129.02(2), 154.03(2), 163.357(2), 163.367(2), 163.385(3), 163.387(1)(b), (3), (4), 163.400(1) (d), 163.708(3), 177.503, 177.507(5), 196.0011(4), 196.032(3) (a), 196.1975(4) (a), 196.1976, 197.361, 200.011(6), 201.08(1), 201.23(2) (b), 205.171(3), 211.33(1)(b), 215.515(1), 216.141(2), 233.16(1), 235.018, 235.055(1), (2), 235.19(4), 235.31(2) (c), (e), (5), 235.4235(2), 239.56(1), 239.58(4), 239.685(7), 239.686(2), 240.103(2), 240.191(5), 246.101, 246.207(1) (j), 250.10(1) (j), 258.30(2) (g), 286.26, 287.084, 289.031(8), 292.11(4), 292.12, 316.1955(1), (2) (b), (4), (6), 316.530(3), 320.0806(1), 320.13(1)(a), 320.60(1), 323.03(9), 323.06(1), 323.22(2), 323.29(7), 324.011, 324.021(1)', 334.03(22)-(24), 336.03(2), 336.63(3) (a), 364.05(4), 372.9905, 373.209(3)(b), 373.563(6), 380.06(2)(b), (4)(a)-(c), (7)(b), (h), (12)(b), 382.16(5)(b), 382.17(1), (2), 383.19(1), 393.063(8), (10), 393.067(2) (f), 393.11(2)(c), (e), 394.4781(3)(b), 394.69(4), 395.045(2), 403.101(3), 403.851(2), 403.855(2), 403.859(6), 403.861(1), 403.862(3), 403.863(6), 413.012(1), 413.013, 413.031(1) (a), 413.051(1), 413.069, 413.08(4)(c), 443.04(5)(a), 443.16(2)(d), 447.02(1), 447.205(10), 447.207(2), 447.301, 447.403(4), 448.09(3), 455.016(1), 458.131(1) (b), 458.24(2), 466.37, 468.106(1), (3) (a)-(d), 474.49(2), 475.17(4), 483.285(2), 483.291(3), 494.044(3), 494.08(3), 494.081, 501.138(1), 509.404, 509.410, 517.355(2), 517.359(2), (4), (5), 520.07(4), 520.34(7), 535.11(5), 540.11(3) (a), (4), 542.13(1) (b), 550.181(1) (a), (3), 552.22(1), 553.73(2), (6), 553.89(2) (a), 555.01, 555.08, 570.30, 588.13(3), (4), 590.02(4) (d), 607.224(1) (a), 618.221, 626.740(1), 626.9551(2), 631.397(3), 633.44, 634.313(1), 634.323(2), 639.07(1), 639.10(2)(c), 639.11(1), 639.17, 651.015(1), 651.026(4) (i), (8), 651.081, 651.085, 651.095(1), (3), 657.061(3)(b), 658.10(3)(b), 659.291(1), (2), 659.67(7)(c), (9)(c), (12), 687.12(1), 713.31(2)(c), 717.195, 718.123(1), 718.124, 718.301(1), 719.109(1), 719.110, 731.302, 732.504(2), 732.505(1), 733.602(1), 733.612(2), (13), 733.802(1), 733.817(1), 734.104, 735.301(1), 738.04(2), 738.06(2), 738.07(2), 741.041, 741.24(1), 744.441(2), (3), (7), (14), 744.444(4), 768.043(2) (c), (d), (3), 768.28(13), 768.40(1), 768.41(1), (4), 768.50(2) (c), 775.089(2), 776.08, 782.04(1) (a), (3), (4), 800.04, 812.012(2)(d), (9), 812.035(3) (c), (8), (10), 812.037, 918.15(3), 925.10(1)(b), 936.003(1), (2), 943.22(1)(b), (2)(g),

943.461(1) (a), 943.464(8), (10), 943.512(2) (d), 943.585(2), 947.181(2), 959.24(1), 960.06(1) (e), 960.09(3), 960.13(6), 960.14, 960.17(1), 960.20, and 960.21(2), Florida Statutes, and ss. 13.261(12), 28.24(9) (a), (29), 28.2401(4), 105.031(4), 106.14(4), 106.26(6), (7), (8), (12), 120.54(12) (a), 163.704(2), 212.031(1) (b), (5), 212.08(2), 235.26(1), 288.34(1) (c), 288.39(5) (b), 320.01(18) (b), 320.08(3) (b), 335.02(3), (4), 335.04(5), 337.25(2), (5), 372.57(19), 372.99(2)- (4), 381.493(3) (j), 394.86(2), 403.061(25), 410.034, 410.105, 410.107, 410.108(1), 410.109, 440.20(11) (c), 440.25(4)(b), 443.03(3), (4), (12), (13)(a), (14), 443.06(1) (b), 443.07(1), (2), (3) (d), 443.08(1), (2)(a), (3)(a), (4)(a), (e), 446.101(4), 459.225(9), 461.08(1) (d), 468.112(2) (c), 517.351(8), (9), 601.9914(4), (5), (6) (a), 626.989(3), 627.311(4), 627.736(2)(b), (5), (6)(b), (c), 627.7375(1)(a), 687.03(3), and 943.12(1), Florida Statutes (1978 Supplement), to conform said sections and subunits of sections to editorial additions or substitutions marked by bracketed insertions, and editorial deletions marked by ellipsis, in the Florida Statutes 1977 in order to remove inconsistencies, redundancies, and unnecessary repetition in the statutes and to otherwise improve the clarity of the statutes and facilitate their correct interpretation; creating ss. 166.043, 459.031, 459.24, and 460.263, Florida Statutes, to ratify the duplicate publication of ss. 1-6 of ch. 77-50, s. 4 of ch. 77- 398, ss. 2-4 of ch. 77-30, and s. 4 of ch. 77-398, Laws of Florida, respectively.

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

Section 2. Paragraph (i) of subsection (2) of section 11.60, Florida Statutes, is amended to read:

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

(2) The committee shall:

(i) Have standing to seek review in the courts of the state, on behalf of the Legislature or the citizens of Florida, of the validity or invalidity of any administrative rule to which the committee has voted an objection and which has not been withdrawn, modified, repealed, or amended to meet the objection. Judicial review under this paragraph shall not be initiated until the Governor and the agency head of the agency making the rule to which the committee has objected have been notified of the committee's proposed action and have been given a reasonable opportunity for consultation with the committee. The committee is hereby authorized to expend public funds from its appropriation for the purpose of seeking judicial review.

Note.--Amended to clarify the reference to "agency."

Section 69. Paragraph (a) of subsection (12) of section 120.54, Florida Statutes (1978 Supplement), is amended to read:

120.54 Rulemaking; adoption procedures.--

(12) (a) The proposed rule shall be adopted on being filed with the Department of State and become effective 20 days after being filed, on a later

date specified in the rule, or on a date required by statute. Rules not required to be filed with the Department of State shall become effective when adopted by the agency head or on a later date specified by rule or statute.

Note.--Amended to clarify applicability of the sentence.

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.)