

CHAPTER 2005-2

Committee Substitute for Senate Bill No. 1336

An act relating to the Florida Statutes; amending ss. 28.246, 28.35, 28.36, 29.21, 34.191, 39.701, 63.087, 63.102, 70.20, 101.161, 112.08, 112.63, 120.536, 211.06, 215.20, 215.555, 216.023, 220.1895, 280.16, 287.042, 287.17, 288.1224, 288.12265, 288.905, 290.00689, 290.015, 311.125, 322.135, 327.395, 339.55, 339.64, 364.604, 373.145, 373.1963, 373.4592, 376.71, 376.80, 378.034, 378.035, 381.0046, 381.0065, 381.103, 381.734, 393.0655, 393.068, 394.499, 394.82, 394.9083, 395.4001, 395.404, 397.416, 397.97, 400.1755, 400.179, 403.4154, 409.2563, 409.907, 409.9071, 409.908, 409.91188, 409.912, 420.504, 430.205, 440.05, 440.491, 440.591, 443.191, 445.003, 445.009, 455.2177, 455.32, 475.615, 489.146, 497.103, 497.140, 497.150, 497.152, 497.153, 497.160, 497.166, 497.167, 497.260, 497.369, 497.453, 497.458, 497.466, 497.550, 497.551, 497.603, 497.604, 497.608, 550.0251, 553.791, 553.8413, 556.112, 558.002, 558.004, 560.408, 570.71, 581.131, 620.9901, 624.426, 626.641, 627.6699, 627.736, 628.909, 633.0215, 636.240, 641.51, 648.50, 650.05, 655.948, 658.60, 663.02, 663.318, 668.602, 717.1400, 720.303, 720.402, 720.405, 744.3678, 744.7021, 782.081, 784.046, 895.02, 921.0022, 932.706, 943.125, 944.026, 944.1905, 944.803, 948.09, 948.30, 957.07, 958.045, 985.404, 1009.765, and 1012.796, F.S.; reenacting ss. 110.161, 288.063, 381.0072, 430.04, 446.051, 450.081, 489.531, 626.112, 718.112, and 721.075, F.S.; and repealing ss. 30.17, 202.205, 288.971, 295.184, 373.1995, 394.498, 570.235, and 627.6685, F.S.; pursuant to s. 11.242, F.S.; deleting provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

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

Section 15. Paragraph (a) of subsection (2) and subsection (3) of section 120.536, Florida Statutes, are repealed, and paragraph (b) of subsection (2) of that section is amended to read:

120.536 Rulemaking authority; listing of rules exceeding authority; repeal; challenge.—

(2)(b) By October 1, 1999, each agency shall provide to the Administrative Procedures Committee a listing of each rule, or portion thereof, adopted by that agency before June 18, 1999, which exceeds the rulemaking authority permitted by this section. For those rules of which only a portion exceeds the rulemaking authority permitted by this section, the agency shall also identify the language of the rule which exceeds this authority. The Administrative Procedures Committee shall combine the lists and provide the cumulative listing to the President of the Senate and the Speaker of the

House of Representatives. The Legislature shall, at the 2000 Regular Session, consider whether specific legislation authorizing the identified rules, or portions thereof, should be enacted. By January 1, 2001, each agency shall initiate proceedings pursuant to s. 120.54 to repeal each rule, or portion thereof, identified as exceeding the rulemaking authority permitted by this section for which authorizing legislation does not exist. By February 1, 2001, the Administrative Procedures Committee shall submit to the President of the Senate and the Speaker of the House of Representatives a report identifying those rules that an agency had previously identified as exceeding the rulemaking authority permitted by this section for which proceedings to repeal the rule have not been initiated. As of July 1, 2001, The Administrative Procedures Committee or any substantially affected person may petition an agency to repeal any rule, or portion thereof, because it exceeds the rulemaking authority permitted by this section. Not later than 30 days after the date of filing the petition if the agency is headed by an individual, or not later than 45 days if the agency is headed by a collegial body, the agency shall initiate rulemaking proceedings to repeal the rule, or portion thereof, or deny the petition, giving a written statement of its reasons for the denial.

Reviser's note.—Amended to delete provisions that have served their purpose. Paragraph (2)(a) related to a review of all rules adopted prior to October 1, 1996. Subsection (3) related to challenges to certain rules during the rule review process.