

## Committee on Governmental Oversight And Accountability

### **CS/CS/CS/HB's 993 and 7239 — Rulemaking**

by Rules and Calendar Subcommittee, Government Operations Subcommittee, Rulemaking and Regulation Subcommittee, Reps. K. Roberson and Gaetz (CS/CS/SB 1382 by Governmental Oversight and Accountability Committee, Budget Committee, and Senator Bennett)

This bill amends agency rulemaking procedures under the Administrative Procedure Act, and revises various provisions to align with legislative ratification requirements enacted in 2010.

The bill also does the following:

- Requires agencies to include in each notice of rulemaking whether the proposed rule requires legislative ratification;
- Expressly includes legislative ratification in the description of factors controlling when an adopted rule takes effect;
- Resolves a timing conflict created by Chapter 2010-279, L.O.F., by restoring certain time deadlines to the pre-2010 provisions;
- Exempts emergency rulemaking, rules adopting federal standards, rules adjusting certain tolls, and rules implementing the 2011 Student Success Act from the requirements to prepare a statement of estimated regulatory costs and submission for legislative ratification;
- Provides a procedure for agencies to withdraw rules prior to becoming effective if the rule is invalidated by a final order or is timely submitted to the Legislature but not ratified in the regular session;
- Excludes from the ratification requirement the triennial update of the Florida Building Code and the triennial update of the Florida Fire Prevention Code;
- Creates a one-time process requiring all agencies to undertake a comprehensive review of the economic impact of their respective rules effective on or before November 16, 2010;
- Shifts the burden of proof in certain administrative proceedings to the nonapplicant third party petitioner;
- Permits the Legislature to conduct an internet-based public survey about the impact of regulations.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 35-3; House 79-36*