

1                   A bill to be entitled  
 2           An act relating to legislative reauthorization of  
 3           agency rulemaking authority; amending s. 120.536,  
 4           F.S.; providing for suspension of certain rulemaking  
 5           authority after a specified period, until reauthorized  
 6           by general law; providing for expiration of such  
 7           reauthorization after a specified period; requiring  
 8           legislative ratification of rules adopted while  
 9           rulemaking authority is suspended; authorizing the  
 10          Governor to delay suspension of rulemaking authority  
 11          for a specified period upon declaration of a public  
 12          necessity; providing exceptions; providing  
 13          applicability; amending s. 120.54, F.S.; revising  
 14          circumstances under which emergency rules may be  
 15          renewed; providing an effective date.

16  
 17 Be It Enacted by the Legislature of the State of Florida:

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 19           Section 1. Subsections (2) through (4) of section 120.536,  
 20           Florida Statutes, are renumbered as subsections (3) through (5),  
 21           respectively, and a new subsection (2) is added to that section  
 22           to read:

23           120.536 Rulemaking authority; reauthorization; repeal;  
 24           challenge.—

25           (2) (a) Notwithstanding any other provision of law, and

26 except as provided in paragraph (d), any new rulemaking  
27 authority is suspended 4 years after the effective date of the  
28 law granting rulemaking authority until reauthorized by general  
29 law. Any rulemaking authority effective on or before July 1,  
30 2017, is suspended July 1, 2021, until reauthorized by general  
31 law.

32 (b) Reauthorized rulemaking authority is suspended upon  
33 expiration of the period specified in the law reauthorizing  
34 rulemaking authority or, if there is no period specified, 4  
35 years after the effective date of the law reauthorizing  
36 rulemaking authority until reauthorized again by general law.

37 (c) During the suspension of any rulemaking authority  
38 under this subsection, a rule may be adopted pursuant to such  
39 rulemaking authority but does not take effect unless ratified by  
40 the Legislature.

41 (d) Upon written declaration by the Governor of a public  
42 necessity, suspension of any rulemaking authority may be delayed  
43 for up to 90 days, allowing the Legislature an opportunity to  
44 reauthorize the rulemaking authority. A declaration of public  
45 necessity may be issued only once with respect to a suspension  
46 of rulemaking authority.

47 (e) This subsection does not apply to:

48 1. Emergency rulemaking pursuant to s. 120.54(4).

49 2. Rulemaking necessary to maintain the financial or legal  
50 integrity of a financial obligation of the state or its agencies

51 or political subdivisions.

52 (f) Rules lawfully adopted remain in effect during a  
53 suspension of rulemaking authority under this subsection.

54 Section 2. Paragraph (c) of subsection (4) of section  
55 120.54, Florida Statutes, is amended to read:

56 120.54 Rulemaking.—

57 (4) EMERGENCY RULES.—

58 (c) An emergency rule adopted under this subsection shall  
59 not be effective for a period longer than 90 days and shall not  
60 be renewable, except when the agency finds that the immediate  
61 danger remains and continues to require emergency action, the  
62 agency has initiated rulemaking to adopt rules addressing the  
63 subject of the emergency rule, and one of the following  
64 conditions has delayed implementation of the rules either:

65 1. A challenge to the proposed rules has been filed and  
66 remains pending; or

67 2. The proposed rules have been filed for adoption and are  
68 awaiting ratification by the Legislature pursuant to a law  
69 requiring ratification for the rules to be effective s.

70 ~~120.541(3).~~

71  
72 ~~Nothing in~~ This paragraph does not prohibit ~~prohibits~~ the agency  
73 from adopting a rule or rules identical to the emergency rule  
74 through the rulemaking procedures specified in subsection (3).

75 Section 3. This act shall take effect July 1, 2017.