

Bill No. CS for CS for SB 1584

Amendment No. ____ Barcode 092070

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Aronberg moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 4, lines 3-5, delete those lines		
15			
16	and insert:		
17	Section 2. Paragraph (i) of subsection (1) and		
18	paragraph (b) of subsection (5) of section 120.54, Florida		
19	Statutes, are amended to read:		
20	120.54 Rulemaking.--		
21	(1) GENERAL PROVISIONS APPLICABLE TO ALL RULES OTHER		
22	THAN EMERGENCY RULES.--		
23	(i) <u>1</u> . A rule may incorporate material by reference but		
24	only as the material exists on the date the rule is adopted.		
25	For purposes of the rule, changes in the material are not		
26	effective unless the rule is amended to incorporate the		
27	changes. A rule may not be amended by reference only.		
28	Amendments must set out the amended rule in full in the same		
29	manner as required by the State Constitution for laws. The		
30	Department of State may prescribe by rule requirements for		
31	incorporating materials by reference pursuant to this		

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1 paragraph.

2 2. Notwithstanding any contrary provision in this
3 section, when an adopted rule of the Department of
4 Environmental Protection or a water management district is
5 incorporated by reference in the other agency's rule to
6 implement a provision of chapter 373, subsequent amendments to
7 the rule are not effective as to the incorporating rule unless
8 the agency incorporating by reference notifies the committee
9 and the Department of State of its intent to adopt the
10 subsequent amendment, publishes notice of such intent in the
11 Florida Administrative Weekly, and files with the Department
12 of State a copy of the amended rule incorporated by reference.
13 Changes in the rule incorporated by reference are effective as
14 to the other agency 20 days after the date of the published
15 notice and filing with the Department of State. The Department
16 of State shall amend the history note of the incorporating
17 rule to show the effective date of such change. Any
18 substantially affected person may, within 14 days after the
19 date of publication of the notice of intent in the Florida
20 Administrative Weekly, file an objection to rulemaking with
21 the agency. The objection shall specify the portions of the
22 rule incorporated by reference to which the person objects and
23 the reasons for the objection. The agency shall not have the
24 authority under this subparagraph to adopt those portions of
25 the rule specified in such objection. Objections that are
26 frivolous or duplicative of objections filed during the
27 initial adoption of the rule incorporated by reference shall
28 not be considered sufficient to prohibit the agency from
29 adopting rules under this subparagraph. The agency shall
30 publish notice of the objection and of its action in response
31 in the next available issue of the Florida Administrative

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1 Weekly.

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4 ===== T I T L E A M E N D M E N T =====

5 And the title is amended as follows:

6 On page 1, line 5, after the first semicolon,

7

8 insert:

9 providing conditions under which changes to
10 certain rules adopted by the Department of
11 Environmental Protection or a water management
12 district that are incorporated by reference in
13 rules of the other agency rule will take effect
14 as to the incorporating rule; providing for
15 notice;

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