

Bill No. CS for CS for SB 1584, 1st Eng.

Amendment No. ____ Barcode 761136

| | <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

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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)1. 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 part IV of chapter 373, subsequent
7 amendments to the rule are not effective as to the
8 incorporating rule unless the agency incorporating by
9 reference notifies the committee and the Department of State
10 of its intent to adopt the subsequent amendment, publishes
11 notice of such intent in the Florida Administrative Weekly,
12 and files with the Department of State a copy of the amended
13 rule incorporated by reference. Changes in the rule
14 incorporated by reference are effective as to the other agency
15 20 days after the date of the published notice and filing with
16 the Department of State. The Department of State shall amend
17 the history note of the incorporating rule to show the
18 effective date of such change. Any substantially affected
19 person may, within 14 days after the date of publication of
20 the notice of intent in the Florida Administrative Weekly,
21 file an objection to rulemaking with the agency. The objection
22 shall specify the portions of the rule incorporated by
23 reference to which the person objects and the reasons for the
24 objection. The agency shall not have the authority under this
25 subparagraph to adopt those portions of the rule specified in
26 such objection. The agency shall publish notice of the
27 objection and of its action in response in the next available
28 issue of the Florida Administrative Weekly.

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

2 And the title is amended as follows:

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

4

5 insert:

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

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