

Bill No. CS for SB 1010

Barcode 042698

CHAMBER ACTION

Senate

House

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The Committee on Judiciary (Aronberg) recommended the following amendment:

Senate Amendment (with title amendment)

On page 2, lines 23 through 27, delete those lines

and insert:

Section 2. Paragraphs (d) and (e) of subsection (3) and paragraph (b) of subsection (5) of section 120.54, Florida Statutes, are amended to read:

120.54 Rulemaking.--

(3) ADOPTION PROCEDURES.--

(d) Modification or withdrawal of proposed rules.--

1. After the final public hearing on the proposed rule, or after the time for requesting a hearing has expired, if the rule has not been changed from the rule as previously filed with the committee, or contains only technical changes, the adopting agency shall file a notice to that effect with the committee at least 7 days prior to filing the rule for adoption. Any change, other than a technical change that does not affect the substance of the rule, must be supported by the

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1 record of public hearings held on the rule, must be in
2 response to written material received on or before the date of
3 the final public hearing, or must be in response to a proposed
4 objection by the committee. In addition, when any change is
5 made in a proposed rule, other than a technical change, the
6 adopting agency shall provide a copy of a notice of change by
7 certified mail or actual delivery to any person who requests
8 it in writing no later than 21 days after the notice required
9 in paragraph (a). The agency shall file the notice of change
10 with the committee, along with the reasons for the ~~such~~
11 change, and provide the notice of change to persons requesting
12 it, at least 21 days prior to filing the rule for adoption.
13 The notice of change shall be published in the Florida
14 Administrative Weekly at least 21 days prior to filing the
15 rule for adoption. This subparagraph does not apply to
16 emergency rules adopted pursuant to subsection (4).

17 2. After the notice required by paragraph (a) and
18 prior to adoption, the agency may withdraw the rule in whole
19 or in part.

20 3. After adoption and before the effective date, a
21 rule may be modified or withdrawn only in response to an
22 objection by the committee or may be modified to extend the
23 effective date by not more than 60 days when the committee has
24 notified the agency that an objection to the rule is being
25 considered.

26 4. The agency shall give notice of its decision to
27 withdraw or modify a rule in the first available issue of the
28 publication in which the original notice of rulemaking was
29 published, shall notify those persons described in
30 subparagraph (a)3. in accordance with the requirements of that
31 subparagraph, and shall notify the Department of State if the

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1 rule is required to be filed with the Department of State.

2 5. After a rule has become effective, it may be
3 repealed or amended only through the rulemaking procedures
4 specified in this chapter.

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

8 And the title is amended as follows:

9 On page 1, line 6, after the semicolon,

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11 insert:

12 requiring an agency to file a notice of change
13 with the Administrative Procedures Committee;

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