

By Senator Posey

24-1182-05

See HB 465

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A bill to be entitled

An act relating to the Agency Rules Reform Act of 2005; providing a popular name; amending s. 120.536, F.S.; providing for legislative review of proposed agency rules; providing that an agency may adopt only rules that have been reviewed and approved by the Legislature; providing an effective date.

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

Section 1. This act may be cited as the "Agency Rules Reform Act of 2005."

Section 2. Subsection (1) of section 120.536, Florida Statutes, is amended to read:

120.536 Rulemaking authority; listing of rules exceeding authority; repeal; challenge.--

(1) A grant of rulemaking authority is necessary but not sufficient to allow an agency to adopt a rule; a specific law to be implemented is also required. An agency may adopt only rules that implement or interpret the specific powers and duties granted by the enabling statute. No agency shall have authority to adopt a rule only because it is reasonably related to the purpose of the enabling legislation and is not arbitrary and capricious or is within the agency's class of powers and duties, nor shall an agency have the authority to implement statutory provisions setting forth general legislative intent or policy. Statutory language granting rulemaking authority or generally describing the powers and functions of an agency shall be construed to extend no further than implementing or interpreting the specific powers and

1 | duties conferred by the same statute. Each rule proposed by an
2 | agency shall be referred to the Legislature for review. An
3 | agency may adopt only rules that have been reviewed and
4 | approved by the Legislature.

5 | Section 3. This act shall take effect upon becoming a
6 | law.

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