

1 A bill to be entitled
 2 An act relating to the Agency Rules Reform Act of 2005;
 3 providing a popular name; amending s. 120.536, F.S.;
 4 providing for legislative review of proposed agency rules;
 5 providing that an agency may adopt only rules that have
 6 been reviewed and approved by the Legislature; providing
 7 an effective date.

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

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

13 Section 2. Subsection (1) of section 120.536, Florida
 14 Statutes, is amended to read:
 15 120.536 Rulemaking authority; listing of rules exceeding
 16 authority; repeal; challenge.--

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

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30 | the specific powers and duties conferred by the same statute.
31 | Each rule proposed by an agency shall be referred to the
32 | Legislature for review. An agency may adopt only rules that have
33 | been reviewed and approved by the Legislature.

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