

Bill No. SB 1594

Barcode 841926

CHAMBER ACTION

Senate

House

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsection (8) of section 120.52, Florida Statutes, is amended, present subsections (9) through (15) of that section are renumbered as subsections (10) through (16), respectively, present subsections (16) through (19) of that section are renumbered as subsections (18) through (21), respectively, and new subsections (9) and (17) are added to that section, to read:

120.52 Definitions.--As used in this act:

(8) "Invalid exercise of delegated legislative authority" means action that ~~which~~ goes beyond the powers, functions, and duties delegated by the Legislature. A proposed or existing rule is an invalid exercise of delegated legislative authority if any one of the following applies:

(a) The agency has materially failed to follow the

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1 applicable rulemaking procedures or requirements set forth in
2 this chapter;

3 (b) The agency has exceeded its grant of rulemaking
4 authority, citation to which is required by s. 120.54(3)(a)1.;

5 (c) The rule enlarges, modifies, or contravenes the
6 specific provisions of law implemented, citation to which is
7 required by s. 120.54(3)(a)1.;

8 (d) The rule is vague, fails to establish adequate
9 standards for agency decisions, or vests unbridled discretion
10 in the agency;

11 (e) The rule is arbitrary or capricious. A rule is
12 arbitrary if it is not supported by logic or the necessary
13 facts; a rule is capricious if it is adopted without thought
14 or reason or is irrational; or

15 (f) The rule imposes regulatory costs on the regulated
16 person, county, or city which could be reduced by the adoption
17 of less costly alternatives that substantially accomplish the
18 statutory objectives.

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

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1 functions of an agency shall be construed to extend no further
2 than implementing or interpreting the specific powers and
3 duties conferred ~~by the same statute.~~

4 (9) "Law implemented" means the statutory language
5 being carried out or interpreted by an agency through
6 rulemaking.

7 (17) "Rulemaking authority" means statutory language
8 that explicitly authorizes or requires an agency to adopt,
9 develop, establish, or otherwise create any statement coming
10 within the definition of "rule."

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

13 120.536 Rulemaking authority; repeal; challenge.--

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

29 Section 3. Paragraph (i) of subsection (1), paragraphs
30 (a) and (e) of subsection (3), and paragraph (a) of subsection
31 (4) of section 120.54, Florida Statutes, are amended, and

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1 paragraph (k) is added to subsection (1) of that section, to
2 read:

3 120.54 Rulemaking.--

4 (1) GENERAL PROVISIONS APPLICABLE TO ALL RULES OTHER
5 THAN EMERGENCY RULES.--

6 (i)1. A rule may incorporate material by reference but
7 only as the material exists on the date the rule is adopted.
8 For purposes of the rule, changes in the material are not
9 effective unless the rule is amended to incorporate the
10 changes. Material incorporated by reference in a rule may not
11 incorporate additional material by reference unless the rule
12 specifically identifies the additional material.

13 2. An agency rule that incorporates by specific
14 reference another rule of that agency automatically
15 incorporates subsequent amendments to the referenced rule,
16 unless a contrary intent is clearly indicated in the
17 referencing rule. Any notice of amendments to a rule that has
18 been incorporated by specific reference in other rules of that
19 agency must explain the effect of the amendments on the
20 referencing rules.

21 3. In rules adopted after December 31, 2009, material
22 may not be incorporated by reference unless:

23 a. The material has been submitted in the prescribed
24 electronic format to the Department of State and can be made
25 available for free public access through an electronic
26 hyperlink from the rule in the Florida Administrative Code
27 making the reference; or

28 b. The agency has determined that posting the material
29 on the Internet for purposes of public examination and
30 inspection would constitute a violation of federal copyright
31 law, in which case a statement to that effect, along with the

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1 address of locations at the Department of State and the agency
 2 at which the material is available for public examination and
 3 inspection, is included in the notice required by subparagraph
 4 (3)(a)1.

5 4. A rule may not be amended by reference only.
 6 Amendments must set out the amended rule in full in the same
 7 manner as required by the State Constitution for laws. ~~The~~
 8 ~~Department of State may prescribe by rule requirements for~~
 9 ~~incorporating materials by reference pursuant to this~~
 10 ~~paragraph.~~

11 ~~5.2.~~ Notwithstanding any contrary provision in this
 12 section, when an adopted rule of the Department of
 13 Environmental Protection or a water management district is
 14 incorporated by reference in the other agency's rule to
 15 implement a provision of part IV of chapter 373, subsequent
 16 amendments to the rule are not effective as to the
 17 incorporating rule unless the agency incorporating by
 18 reference notifies the committee and the Department of State
 19 of its intent to adopt the subsequent amendment, publishes
 20 notice of such intent in the Florida Administrative Weekly,
 21 and files with the Department of State a copy of the amended
 22 rule incorporated by reference. Changes in the rule
 23 incorporated by reference are effective as to the other agency
 24 20 days after the date of the published notice and filing with
 25 the Department of State. The Department of State shall amend
 26 the history note of the incorporating rule to show the
 27 effective date of such change. Any substantially affected
 28 person may, within 14 days after the date of publication of
 29 the notice of intent in the Florida Administrative Weekly,
 30 file an objection to rulemaking with the agency. The objection
 31 shall specify the portions of the rule incorporated by

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1 reference to which the person objects and the reasons for the
 2 objection. The agency does ~~shall~~ not have the authority under
 3 this subparagraph to adopt those portions of the rule
 4 specified in such objection. The agency shall publish notice
 5 of the objection and of its action in response in the next
 6 available issue of the Florida Administrative Weekly.

7 6. The Department of State may prescribe by rule
 8 requirements for incorporating materials pursuant to this
 9 paragraph.

10 (k) Rulemaking responsibilities of an agency head
 11 under subparagraph (3)(a)1., subparagraph (3)(e)1., or
 12 subparagraph (3)(e)6. may not be delegated or transferred.

13 (3) ADOPTION PROCEDURES.--

14 (a) Notices.--

15 1. Prior to the adoption, amendment, or repeal of any
 16 rule other than an emergency rule, an agency, upon approval of
 17 the agency head, shall give notice of its intended action,
 18 setting forth a short, plain explanation of the purpose and
 19 effect of the proposed action; the full text of the proposed
 20 rule or amendment and a summary thereof; a reference to the
 21 grant of ~~specific~~ rulemaking authority pursuant to which the
 22 rule is adopted; and a reference to the section or subsection
 23 of the Florida Statutes or the Laws of Florida being
 24 implemented ~~or, interpreted, or made specific.~~ The notice must
 25 ~~shall~~ include a summary of the agency's statement of the
 26 estimated regulatory costs, if one has been prepared, based on
 27 the factors set forth in s. 120.541(2), and a statement that
 28 any person who wishes to provide the agency with information
 29 regarding the statement of estimated regulatory costs, or to
 30 provide a proposal for a lower cost regulatory alternative as
 31 provided by s. 120.541(1), must do so in writing within 21

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1 days after publication of the notice. The notice must state
 2 the procedure for requesting a public hearing on the proposed
 3 rule. Except when the intended action is the repeal of a rule,
 4 the notice must ~~shall~~ include a reference both to the date on
 5 which and to the place where the notice of rule development
 6 that is required by subsection (2) appeared.

7 2. The notice shall be published in the Florida
 8 Administrative Weekly not less than 28 days prior to the
 9 intended action. The proposed rule shall be available for
 10 inspection and copying by the public at the time of the
 11 publication of notice.

12 3. The notice shall be mailed to all persons named in
 13 the proposed rule and to all persons who, at least 14 days
 14 prior to such mailing, have made requests of the agency for
 15 advance notice of its proceedings. The agency shall also give
 16 such notice as is prescribed by rule to those particular
 17 classes of persons to whom the intended action is directed.

18 4. The adopting agency shall file with the committee,
 19 at least 21 days prior to the proposed adoption date, a copy
 20 of each rule it proposes to adopt; a copy of any material
 21 incorporated by reference in the rule; a detailed written
 22 statement of the facts and circumstances justifying the
 23 proposed rule; a copy of any statement of estimated regulatory
 24 costs that has been prepared pursuant to s. 120.541; a
 25 statement of the extent to which the proposed rule relates to
 26 federal standards or rules on the same subject; and the notice
 27 required by subparagraph 1.

28 (e) Filing for final adoption; effective date.--

29 1. If the adopting agency is required to publish its
 30 rules in the Florida Administrative Code, the agency, upon
 31 approval of the agency head, ~~it~~ shall file with the Department

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1 of State three certified copies of the rule it proposes to
2 adopt; one copy of any material incorporated by reference in
3 the rule, certified by the agency; a summary of the rule; a
4 summary of any hearings held on the rule; and a detailed
5 written statement of the facts and circumstances justifying
6 the rule. Agencies not required to publish their rules in the
7 Florida Administrative Code shall file one certified copy of
8 the proposed rule, and the other material required by this
9 subparagraph, in the office of the agency head, and such rules
10 shall be open to the public.

11 2. A rule may not be filed for adoption less than 28
12 days or more than 90 days after the notice required by
13 paragraph (a), until 21 days after the notice of change
14 required by paragraph (d), until 14 days after the final
15 public hearing, until 21 days after preparation of a statement
16 of estimated regulatory costs required under s. 120.541, or
17 until the administrative law judge has rendered a decision
18 under s. 120.56(2), whichever applies. When a required notice
19 of change is published prior to the expiration of the time to
20 file the rule for adoption, the period during which a rule
21 must be filed for adoption is extended to 45 days after the
22 date of publication. If notice of a public hearing is
23 published prior to the expiration of the time to file the rule
24 for adoption, the period during which a rule must be filed for
25 adoption is extended to 45 days after adjournment of the final
26 hearing on the rule, 21 days after receipt of all material
27 authorized to be submitted at the hearing, or 21 days after
28 receipt of the transcript, if one is made, whichever is
29 latest. The term "public hearing" includes any public meeting
30 held by any agency at which the rule is considered. If a
31 petition for an administrative determination under s.

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1 120.56(2) is filed, the period during which a rule must be
 2 filed for adoption is extended to 60 days after the
 3 administrative law judge files the final order with the clerk
 4 or until 60 days after subsequent judicial review is complete.

5 3. At the time a rule is filed, the agency shall
 6 certify that the time limitations prescribed by this paragraph
 7 have been complied with, that all statutory rulemaking
 8 requirements have been met, and that there is no
 9 administrative determination pending on the rule.

10 4. At the time a rule is filed, the committee shall
 11 certify whether the agency has responded in writing to all
 12 material and timely written comments or written inquiries made
 13 on behalf of the committee. The department shall reject any
 14 rule not filed within the prescribed time limits; that does
 15 not comply with ~~satisfy~~ all statutory rulemaking requirements
 16 and rules of the department; upon which an agency has not
 17 responded in writing to all material and timely written
 18 inquiries or written comments; upon which an administrative
 19 determination is pending; or which does not include a
 20 statement of estimated regulatory costs, if required.

21 5. If a rule has not been adopted within the time
 22 limits imposed by this paragraph or has not been adopted in
 23 compliance with all statutory rulemaking requirements, the
 24 agency proposing the rule shall withdraw the rule and give
 25 notice of its action in the next available issue of the
 26 Florida Administrative Weekly.

27 6. The proposed rule shall be adopted on being filed
 28 with the Department of State and become effective 20 days
 29 after being filed, on a later date specified in the rule, or
 30 on a date required by statute. Rules not required to be filed
 31 with the Department of State shall become effective when

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1 adopted by the agency head or on a later date specified by
 2 rule or statute. If the committee notifies an agency that an
 3 objection to a rule is being considered, the agency may
 4 postpone the adoption of the rule to accommodate review of the
 5 rule by the committee. When an agency postpones adoption of a
 6 rule to accommodate review by the committee, the 90-day period
 7 for filing the rule is tolled until the committee notifies the
 8 agency that it has completed its review of the rule.

9

10 For the purposes of this paragraph, the term "administrative
 11 determination" does not include subsequent judicial review.

12 (4) EMERGENCY RULES.--

13 (a) If an agency finds that an immediate danger to the
 14 public health, safety, or welfare requires emergency action,
 15 the agency may adopt any rule necessitated by the immediate
 16 danger. The agency may adopt a rule by any procedure which is
 17 fair under the circumstances if:

18 1. The procedure provides at least the procedural
 19 protection given by other statutes, the State Constitution, or
 20 the United States Constitution.

21 2. The agency takes only that action necessary to
 22 protect the public interest under the emergency procedure.

23 3. The agency publishes in writing at the time of, or
 24 prior to, its action the specific facts and reasons for
 25 finding an immediate danger to the public health, safety, or
 26 welfare and its reasons for concluding that the procedure used
 27 is fair under the circumstances. In any event, notice of
 28 emergency rules, other than those of educational units or
 29 units of government with jurisdiction in only one or a part of
 30 one county, including the full text of the rules, shall be
 31 published in the first available issue of the Florida

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1 Administrative Weekly and provided to the committee along with
 2 any material incorporated by reference in the rules. The
 3 agency's findings of immediate danger, necessity, and
 4 procedural fairness shall be judicially reviewable.

5 Section 4. Subsection (2) of section 120.545, Florida
 6 Statutes, is amended to read:

7 120.545 Committee review of agency rules.--

8 (2) The committee may request from an agency such
 9 information as is reasonably necessary for examination of a
 10 rule as required by subsection (1) or for examination of an
 11 unadopted agency statement. The committee shall consult with
 12 legislative standing committees having ~~with~~ jurisdiction over
 13 the subject areas. If the committee objects to an emergency
 14 rule or a proposed or existing rule, it shall, within 5 days
 15 after ~~of~~ the objection, certify that fact to the agency whose
 16 rule has been examined and include with the certification a
 17 statement detailing its objections with particularity. The
 18 committee shall notify the Speaker of the House of
 19 Representatives and the President of the Senate of any
 20 objection to an agency rule concurrent with certification of
 21 that fact to the agency. Such notice must ~~shall~~ include a
 22 copy of the rule and the statement detailing the committee's
 23 objections to the rule.

24 Section 5. Paragraph (c) of subsection (1) and
 25 subsection (3) of section 120.55, Florida Statutes, are
 26 amended to read:

27 120.55 Publication.--

28 (1) The Department of State shall:

29 (c) Prescribe by rule the style, ~~and~~ form and content
 30 requirements ~~required~~ for rules, notices, and other materials
 31 submitted for filing ~~and establish the form for their~~

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1 ~~certification.~~

2 (3) Any publication of a proposed rule promulgated by
3 an agency, whether published in the Florida Administrative
4 Code or elsewhere, shall include, along with the rule, the
5 name of the person or persons originating such rule, the name
6 of the agency head ~~supervisor or person~~ who approved the rule,
7 and the date upon which the rule was approved.

8 Section 6. Effective December 31, 2007, paragraph (d)
9 of subsection (1) and subsections (2) and (5) of section
10 120.55, Florida Statutes, as amended by section 4 of chapter
11 2006-82, Laws of Florida, are amended to read:

12 120.55 Publication.--

13 (1) The Department of State shall:

14 (d) Prescribe by rule the style, ~~and form, and content~~
15 requirements required for rules, notices, and other materials
16 submitted for filing ~~and establish the form for their~~
17 ~~certification.~~

18 (2) The Florida Administrative Weekly Internet website
19 must allow users to:

20 (a) Search for notices by type, publication date, rule
21 number, word, subject, and agency;

22 (b) Search a database that makes available all notices
23 published on the website for a period of at least 5 years;

24 (c) Subscribe to an automated e-mail notification of
25 selected notices to be sent out prior to or concurrently with
26 weekly publication of the printed and electronic Florida
27 Administrative Weekly. Such notification must include in the
28 text of the e-mail a summary of the content of each notice;

29 (d) View agency forms and other materials that have
30 been submitted to the department in electronic form and that
31 are being incorporated by reference in proposed rules; and

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1 (e) Comment on proposed rules.

2 (5) Any publication of a proposed rule promulgated by
3 an agency, whether published in the Florida Administrative
4 Code or elsewhere, shall include, along with the rule, the
5 name of the person or persons originating such rule, the name
6 of the agency head ~~supervisor or person~~ who approved the rule,
7 and the date upon which the rule was approved.

8 Section 7. Effective December 31, 2008, paragraph (a)
9 of subsection (1) of section 120.55, Florida Statutes, as
10 amended by section 4 of chapter 2006-82, Laws of Florida, and
11 by this act, is amended to read:

12 120.55 Publication.--

13 (1) The Department of State shall:

14 (a) 1. Through a continuous revision system, compile
15 and publish electronically the "Florida Administrative Code-"
16 on an Internet website managed by the department. The Florida
17 Administrative Code shall contain all rules adopted by each
18 agency, citing the grant of ~~specific~~ rulemaking authority and
19 the specific law implemented pursuant to which each rule was
20 adopted, all history notes as authorized in s. 120.545(9), ~~and~~
21 complete indexes to all rules contained in the code, and any
22 other material required or authorized by law or deemed useful
23 by the department. The electronic code shall display each rule
24 chapter currently in effect in browse mode and allow full text
25 search of the code and each rule chapter. Supplementation
26 ~~shall be made as often as practicable, but at least monthly.~~
27 The department shall publish a printed version of the Florida
28 Administrative Code and may contract with a publishing firm
29 for such printed the publication, ~~in a timely and useful form,~~
30 ~~of the Florida Administrative Code;~~ however, the department
31 shall retain responsibility for the code as provided in this

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1 section. Supplementation of the printed code shall be made as
 2 often as practicable, but at least monthly. The printed ~~This~~
 3 publication shall be the official compilation of the
 4 administrative rules of this state. The Department of State
 5 shall retain the copyright over the Florida Administrative
 6 Code.

7 2. Rules general in form but applicable to only one
 8 school district, community college district, or county, or a
 9 part thereof, or state university rules relating to internal
 10 personnel or business and finance shall not be published in
 11 the Florida Administrative Code. Exclusion from publication in
 12 the Florida Administrative Code shall not affect the validity
 13 or effectiveness of such rules.

14 3. At the beginning of the section of the code dealing
 15 with an agency that files copies of its rules with the
 16 department, the department shall publish the address and
 17 telephone number of the executive offices of each agency, the
 18 manner by which the agency indexes its rules, a listing of all
 19 rules of that agency excluded from publication in the code,
 20 and a statement as to where those rules may be inspected.

21 4. Forms shall not be published in the Florida
 22 Administrative Code; but any form which an agency uses in its
 23 dealings with the public, along with any accompanying
 24 instructions, shall be filed with the committee before it is
 25 used. Any form or instruction which meets the definition of
 26 "rule" provided in s. 120.52 shall be incorporated by
 27 reference into the appropriate rule. The reference shall
 28 specifically state that the form is being incorporated by
 29 reference and shall include the number, title, and effective
 30 date of the form and an explanation of how the form may be
 31 obtained. Each form created by an agency which is incorporated

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1 by reference in a rule notice of which is given under s.
 2 120.54(3)(a) after December 31, 2007, must clearly display the
 3 number, title, and effective date of the form and the number
 4 of the rule in which the form is incorporated.

5 5. The department shall allow material incorporated by
 6 reference to be filed in electronic form as prescribed by
 7 department rule. When a rule is filed for adoption with
 8 incorporated material in electronic form, the department's
 9 publication of the Florida Administrative Code on its Internet
 10 website must contain a hyperlink from the incorporating
 11 reference in the rule directly to that material. The
 12 department may not allow hyperlinks from rules in the Florida
 13 Administrative Code to any material other than that filed with
 14 and maintained by the department, but it may allow additional
 15 hyperlinks to incorporated material maintained by the
 16 department from the adopting agency's website or other sites.

17 Section 8. Subsection (1) and paragraph (c) of
 18 subsection (2) of section 120.569, Florida Statutes, are
 19 amended to read:

20 120.569 Decisions which affect substantial
 21 interests.--

22 (1) The provisions of this section apply in all
 23 proceedings in which the substantial interests of a party are
 24 determined by an agency, unless the parties are proceeding
 25 under s. 120.573 or s. 120.574. Unless waived by all parties,
 26 s. 120.57(1) applies whenever the proceeding involves a
 27 disputed issue of material fact. Unless otherwise agreed, s.
 28 120.57(2) applies in all other cases. If a disputed issue of
 29 material fact arises during a proceeding under s. 120.57(2),
 30 unless waived by all parties, the proceeding under s.
 31 120.57(2) shall be terminated and a proceeding under s.

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1 120.57(1) shall be conducted. Parties shall be notified of any
 2 order, including a final order. Unless waived, a copy of the
 3 order shall be delivered or mailed to each party or the
 4 party's attorney of record at the address of record. Each
 5 notice shall inform the recipient of any administrative
 6 hearing or judicial review that is available under this
 7 section, s. 120.57, or s. 120.68; shall indicate the procedure
 8 which must be followed to obtain the hearing or judicial
 9 review; and shall state the time limits which apply.

10 (2)

11 (c) Unless otherwise provided by law, a petition or
 12 request for hearing shall include those items required by the
 13 uniform rules adopted pursuant to s. 120.54(5)(b) ~~s.~~
 14 ~~120.54(5)(b)~~4. Upon the receipt of a petition or request for
 15 hearing, the agency shall carefully review the petition to
 16 determine if it contains all of the required information. A
 17 petition shall be dismissed if it is not in substantial
 18 compliance with these requirements or it has been untimely
 19 filed. Dismissal of a petition shall, at least once, be
 20 without prejudice to petitioner's filing a timely amended
 21 petition curing the defect, unless it conclusively appears
 22 from the face of the petition that the defect cannot be cured.
 23 The agency shall promptly give written notice to all parties
 24 of the action taken on the petition, shall state with
 25 particularity its reasons if the petition is not granted, and
 26 shall state the deadline for filing an amended petition if
 27 applicable. This paragraph does not eliminate the availability
 28 of equitable tolling as a defense to the untimely filing of a
 29 petition.

30 Section 9. Subsection (2) of section 120.74, Florida
 31 Statutes, is amended to read:

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1 120.74 Agency review, revision, and report.--
2 (2) Beginning October 1, 1997, and by October 1 of
3 every ~~other~~ year thereafter, the head of each agency shall
4 file a report with the President of the Senate, the Speaker of
5 the House of Representatives, and the committee, with a copy
6 to each appropriate standing committee of the Legislature,
7 which certifies that the agency has complied with the
8 requirements of this section ~~subsection~~. The report must
9 specify any changes made to its rules as a result of the
10 review and, when appropriate, recommend statutory changes that
11 will promote efficiency, reduce paperwork, or decrease costs
12 to government and the private sector. The report must identify
13 the types of cases or disputes in which the agency is involved
14 which should be conducted under the summary hearing process
15 described in s. 120.574.

16 Section 10. Except as otherwise expressly provided in
17 this act, this act shall take effect July 1, 2007.

18
19

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

21 And the title is amended as follows:

22 Delete everything before the enacting clause

23

24 and insert:

25 A bill to be entitled
26 An act relating to rules and rulemaking;
27 amending s. 120.52, F.S.; redefining the term
28 "invalid exercise of delegated legislative
29 authority"; defining the terms "law
30 implemented" and "rulemaking authority";
31 amending s. 120.536, F.S.; revising guidelines

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1 for the construction of statutory language
2 granting rulemaking authority; amending s.
3 120.54, F.S.; prescribing limits and guidelines
4 with respect to incorporation of material by
5 reference; prescribing requirements for
6 materials being incorporated by reference;
7 providing for rules; revising information to be
8 included in notices of proposed actions;
9 requiring that specified rulemaking
10 responsibilities of an agency head may not be
11 delegated or transferred; amending s. 120.545,
12 F.S.; authorizing the Administrative Procedures
13 Committee to request from agencies information
14 to examine unadopted agency statements;
15 amending s. 120.55, F.S.; requiring electronic
16 publication of the Florida Administrative Code;
17 prescribing requirements with respect to
18 content of such electronic publication;
19 providing for filing information incorporated
20 by reference in electronic form; amending s.
21 120.569, F.S.; requiring that certain
22 administrative proceedings be terminated and
23 subsequently reinstated under different
24 provisions of state law if a disputed issue of
25 material fact arises during such a proceeding;
26 providing for the waiver of such termination;
27 revising a cross-reference; amending s. 120.74,
28 F.S.; revising reporting requirements for
29 agency heads; providing effective dates.

30
31