

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Attkisson offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 302-399 and insert:

5 Regulatory Advisory Council, as provided in s. 288.7001,
6 regarding the rules of each agency.

7 Section 5. Subsection (1) of section 11.919, Florida
8 Statutes, is amended to read:

9 11.919 Assistance of and access to state agencies.--

10 (1) The committee and the Small Business Regulatory
11 Advisory Council may access or request information and request
12 the assistance of state agencies and officers. When assistance
13 is requested, a state agency or officer shall assist the
14 committee and the Small Business Regulatory Advisory Council.

15 Section 6. Paragraph (b) of subsection (3) of section
16 120.54, Florida Statutes, is amended to read:

565525

4/22/2008 1:07 PM

Amendment No.

17 120.54 Rulemaking.--

18 (3) ADOPTION PROCEDURES.--

19 (b) Special matters to be considered in rule adoption.--

20 1. Statement of estimated regulatory costs.--Prior to the
21 adoption, amendment, or repeal of any rule other than an
22 emergency rule, an agency is encouraged to prepare a statement
23 of estimated regulatory costs of the proposed rule, as provided
24 by s. 120.541. However, an agency shall prepare a statement of
25 estimated regulatory costs of the proposed rule, as provided by
26 s. 120.541, if the proposed rule will have an impact on small
27 business.

28 2. Small businesses, small counties, and small cities.--

29 a. Each agency, before the adoption, amendment, or repeal
30 of a rule, shall consider the impact of the rule on small
31 businesses as defined by s. 288.703 and the impact of the rule
32 on small counties or small cities as defined by s. 120.52.
33 Whenever practicable, an agency shall tier its rules to reduce
34 disproportionate impacts on small businesses, small counties, or
35 small cities to avoid regulating small businesses, small
36 counties, or small cities that do not contribute significantly
37 to the problem the rule is designed to address. An agency may
38 define "small business" to include businesses employing more
39 than 100 persons, may define "small county" to include those
40 with populations of more than 75,000, and may define "small
41 city" to include those with populations of more than 10,000, if
42 it finds that such a definition is necessary to adapt a rule to
43 the needs and problems of small businesses, small counties, or
44 small cities. The agency shall consider each of the following

565525

4/22/2008 1:07 PM

Amendment No.

45 methods for reducing the impact of the proposed rule on small
46 businesses, small counties, and small cities, or any combination
47 of these entities:

48 (I) Establishing less stringent compliance or reporting
49 requirements in the rule.

50 (II) Establishing less stringent schedules or deadlines in
51 the rule for compliance or reporting requirements.

52 (III) Consolidating or simplifying the rule's compliance
53 or reporting requirements.

54 (IV) Establishing performance standards or best-management
55 practices to replace design or operational standards in the
56 rule.

57 (V) Exempting small businesses, small counties, or small
58 cities from any or all requirements of the rule.

59 b.(I) If the agency determines that the proposed action
60 will affect small businesses as defined by the agency as
61 provided in sub-subparagraph a., the agency shall send written
62 notice of the rule to the Small Business Regulatory Advisory
63 Council and ~~small business ombudsman~~ of the Office of Tourism,
64 Trade, and Economic Development not less than 28 days prior to
65 the intended action.

66 (II) Each agency shall adopt those regulatory alternatives
67 offered by the Small Business Regulatory Advisory Council ~~small~~
68 ~~business ombudsman~~ and provided to the agency no later than 21
69 days after the council's ~~ombudsman's~~ receipt of the written
70 notice of the rule which it finds are feasible and consistent
71 with the stated objectives of the proposed rule and which would
72 reduce the impact on small businesses. When regulatory

565525

4/22/2008 1:07 PM

Amendment No.

73 alternatives are offered by the Small Business Regulatory
74 Advisory Council ~~small business ombudsman~~, the 90-day period for
75 filing the rule in subparagraph (e)2. is extended for a period
76 of 21 days.

77 (III) If an agency does not adopt all alternatives offered
78 pursuant to this sub-subparagraph, it shall, prior to rule
79 adoption or amendment and pursuant to subparagraph (d)1., file a
80 detailed written statement with the committee explaining the
81 reasons for failure to adopt such alternatives. Within 3 working
82 days of the filing of such notice, the agency shall send a copy
83 of such notice to the Small Business Regulatory Advisory Council
84 ~~small business ombudsman~~. The Small Business Regulatory Advisory
85 Council may make a request of the President of the Senate and
86 the Speaker of the House of Representatives that the presiding
87 officers direct the Office of Program Policy Analysis and
88 Government Accountability to determine whether the rejected
89 alternatives reduce the impact on small business while meeting
90 the stated objectives of the proposed rule. Within 60 days after
91 the date of the directive from the presiding officers, the
92 Office of Program Policy Analysis and Government Accountability
93 shall report to the Administrative Procedures Committee its
94 findings as to whether an alternative reduces the impact on
95 small business while meeting the stated objectives of the
96 proposed rule. The Office of Program Policy Analysis and
97 Government Accountability shall consider the proposed rule, the
98 economic impact statement, the written statement of the agency,
99 the proposed alternatives, and any comment submitted during the
100 comment period on the proposed rule. The Office of Program

565525

4/22/2008 1:07 PM

Amendment No.

101 Policy Analysis and Government Accountability shall submit a
102 report of its findings and recommendations to the Governor, the
103 President of the Senate, and the Speaker of the House of
104 Representatives. The Administrative Procedures Committee shall
105 report such findings to the agency, and the agency shall respond
106 in writing to the Administrative Procedures Committee if the
107 Office of Program Policy Analysis and Government Accountability
108 found that the alternative reduced the impact on small business
109 while meeting the stated objectives of the proposed rule. If the
110 agency will not adopt the alternative, it must also provide a
111 detailed

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115 **T I T L E A M E N D M E N T**

116 Remove lines 26-40 and insert:

117 recommendations; amending s. 11.919, F.S.; requiring agency
118 assistance to the Small Business Regulatory Advisory Council;
119 authorizing the council to access or request information and
120 assistance; amending s. 120.54, F.S.; requiring an agency to
121 prepare a statement of estimated regulatory costs; requiring
122 agency notification to the Small Business Regulatory Advisory
123 Council relating to proposed agency action affecting small
124 business; requiring an agency to adopt regulatory alternatives
125 offered by the council under certain circumstances; providing
126 for rule filing extension when regulatory alternatives are
127 offered by the council; providing for outside review of

565525

4/22/2008 1:07 PM

HOUSE AMENDMENT

Bill No. HB 7109

Amendment No.

128 regulatory alternatives not adopted by an agency and for an
129 agency response; amending s.

565525

4/22/2008 1:07 PM