

1 A bill to be entitled
2 An act relating to administrative procedures; amending s.
3 11.60, F.S.; requiring the Administrative Procedures
4 Committee to provide certain assistance with a review of
5 rules and nonrule policy; amending ss. 11.908, 11.911, and
6 11.919, F.S.; conforming terminology; amending s. 120.52,
7 F.S.; defining the term "nonrule policy"; amending s.
8 120.54, F.S.; conforming terminology; amending s. 120.545,
9 F.S.; requiring the committee to establish a system for
10 persons to submit proposals for the repeal of certain
11 rules and nonrule policy; directing the committee to
12 provide certain information to the Small Employer
13 Regulatory Advisory Council and applicable agencies;
14 requiring agencies to display a poster containing
15 specified information; amending ss. 120.80 and 120.81,
16 F.S.; conforming cross-references; amending s. 288.7001,
17 F.S.; defining the terms "nonrule policy" and "small
18 employer" and conforming other definitions to changes made
19 by the act; renaming the Small Business Regulatory
20 Advisory Council as the Small Employer Regulatory Advisory
21 Council; revising qualifications of council members;
22 revising powers and duties of the council; revising
23 authority of the council to review rules; providing for
24 the council's review of nonrule policy; amending s.
25 288.7002, F.S.; requiring the Florida Small Business
26 Advocate to provide certain assistance with the council's
27 review of rules and nonrule policy; conforming terminology
28 and other provisions to changes made by the act; amending

29 ss. 420.9072 and 420.9075, F.S.; conforming cross-
 30 references; directing agencies to establish workgroups to
 31 identify rules and nonrule policy that impact small
 32 employers; requiring agencies to review and repeal certain
 33 rules and nonrule policy by a specified date; authorizing
 34 the director of the Florida Small Business Development
 35 Center Network to extend the deadline under certain
 36 circumstances; directing agencies to submit specified
 37 information to the council; directing the Florida Small
 38 Business Advocate and Administrative Procedures Committee
 39 to assist agencies in reviewing rules and nonrule policy;
 40 requiring the council and the Office of Program Policy
 41 Analysis and Government Accountability to submit reports
 42 to the Governor and Legislature; requiring an agency head
 43 to appear before the committee and submit an explanation
 44 of the agency's failure to comply with the act under
 45 certain circumstances; requiring the committee's review of
 46 the agency's explanation; providing for future repeal;
 47 providing an effective date.

48

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

50

51 Section 1. Paragraph (n) is added to subsection (2) of
 52 section 11.60, Florida Statutes, to read:

53 11.60 Administrative Procedures Committee; creation;
 54 membership; powers; duties.--

55 (2) The committee shall:

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56 (n) Assist the Small Employer Regulatory Advisory Council
57 with the council's periodic review of rules and nonrule policy
58 under s. 288.7001.

59 Section 2. Subsection (2) of section 11.908, Florida
60 Statutes, is amended to read:

61 11.908 Committee duties.--No later than March 1 of the
62 year in which a state agency or its advisory committees are
63 scheduled to be reviewed, the committee shall and the joint
64 committee may:

65 (2) Consult with the Legislative Budget Commission, the
66 Small Employer ~~Business~~ Regulatory Advisory Council, relevant
67 substantive and appropriations committees of the Senate and the
68 House of Representatives, the Governor's Office of Policy and
69 Budgeting, the Auditor General, and the Chief Financial Officer,
70 or their successors, relating to the review of the agency and
71 its advisory committees.

72 Section 3. Paragraph (a) of subsection (2) of section
73 11.911, Florida Statutes, is amended to read:

74 11.911 Committee recommendations.--

75 (2) In its report on a state agency, the joint committee
76 shall:

77 (a) Make recommendations on the abolition, continuation,
78 or reorganization of each state agency and its advisory
79 committees and on the need for the performance of the functions
80 of the agency and its advisory committees. If the committee
81 recommends continuation or reorganization, the committee shall
82 include in its recommendations the report of the Small Employer

83 ~~Business~~ Regulatory Advisory Council, as provided in s.
 84 288.7001, regarding the rules of each agency.

85 Section 4. Subsection (1) of section 11.919, Florida
 86 Statutes, is amended to read:

87 11.919 Assistance of and access to state agencies.--

88 (1) The committee and the Small Employer Business
 89 Regulatory Advisory Council may access or request information
 90 and request the assistance of state agencies and officers. When
 91 assistance is requested, a state agency or officer shall assist
 92 the committee and the Small Employer Business Regulatory
 93 Advisory Council.

94 Section 5. Subsections (12) through (22) of section
 95 120.52, Florida Statutes, are renumbered as subsections (13)
 96 through (23), respectively, and a new subsection (12) is added
 97 to that section to read:

98 120.52 Definitions.--As used in this act:

99 (12) "Nonrule policy" means each agency statement of
 100 general applicability that implements, interprets, or prescribes
 101 law or policy or describes the procedure or practice
 102 requirements of an agency, and includes any form that imposes
 103 any requirement or solicits any information not specifically
 104 required by statute or by an existing rule, but that is not a
 105 rule. The term includes an unadopted rule.

106 Section 6. Paragraph (b) of subsection (3) of section
 107 120.54, Florida Statutes, is amended to read:

108 120.54 Rulemaking.--

109 (3) ADOPTION PROCEDURES.--

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

111 1. Statement of estimated regulatory costs.--Prior to the
112 adoption, amendment, or repeal of any rule other than an
113 emergency rule, an agency is encouraged to prepare a statement
114 of estimated regulatory costs of the proposed rule, as provided
115 by s. 120.541. However, an agency shall prepare a statement of
116 estimated regulatory costs of the proposed rule, as provided by
117 s. 120.541, if the proposed rule will have an impact on small
118 business.

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

120 a. Each agency, before the adoption, amendment, or repeal
121 of a rule, shall consider the impact of the rule on small
122 businesses as defined by s. 288.703 and the impact of the rule
123 on small counties or small cities as defined by s. 120.52.
124 Whenever practicable, an agency shall tier its rules to reduce
125 disproportionate impacts on small businesses, small counties, or
126 small cities to avoid regulating small businesses, small
127 counties, or small cities that do not contribute significantly
128 to the problem the rule is designed to address. An agency may
129 define "small business" to include businesses employing more
130 than 100 persons, may define "small county" to include those
131 with populations of more than 75,000, and may define "small
132 city" to include those with populations of more than 10,000, if
133 it finds that such a definition is necessary to adapt a rule to
134 the needs and problems of small businesses, small counties, or
135 small cities. The agency shall consider each of the following
136 methods for reducing the impact of the proposed rule on small
137 businesses, small counties, and small cities, or any combination
138 of these entities:

139 (I) Establishing less stringent compliance or reporting
140 requirements in the rule.

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

143 (III) Consolidating or simplifying the rule's compliance
144 or reporting requirements.

145 (IV) Establishing performance standards or best-management
146 practices to replace design or operational standards in the
147 rule.

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

150 b.(I) If the agency determines that the proposed action
151 will affect small businesses as defined by the agency as
152 provided in sub-subparagraph a., the agency shall send written
153 notice of the rule to the Small Employer ~~Business~~ Regulatory
154 Advisory Council and the Office of Tourism, Trade, and Economic
155 Development not less than 28 days prior to the intended action.

156 (II) Each agency shall adopt those regulatory alternatives
157 offered by the Small Employer ~~Business~~ Regulatory Advisory
158 Council and provided to the agency no later than 21 days after
159 the council's receipt of the written notice of the rule which it
160 finds are feasible and consistent with the stated objectives of
161 the proposed rule and which would reduce the impact on small
162 businesses. When regulatory alternatives are offered by the
163 Small Employer ~~Business~~ Regulatory Advisory Council, the 90-day
164 period for filing the rule in subparagraph (e)2. is extended for
165 a period of 21 days.

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166 (III) If an agency does not adopt all alternatives offered
167 pursuant to this sub-subparagraph, it shall, prior to rule
168 adoption or amendment and pursuant to subparagraph (d)1., file a
169 detailed written statement with the committee explaining the
170 reasons for failure to adopt such alternatives. Within 3 working
171 days of the filing of such notice, the agency shall send a copy
172 of such notice to the Small Employer ~~Business~~ Regulatory
173 Advisory Council. The Small Employer ~~Business~~ Regulatory
174 Advisory Council may make a request of the President of the
175 Senate and the Speaker of the House of Representatives that the
176 presiding officers direct the Office of Program Policy Analysis
177 and Government Accountability to determine whether the rejected
178 alternatives reduce the impact on small business while meeting
179 the stated objectives of the proposed rule. Within 60 days after
180 the date of the directive from the presiding officers, the
181 Office of Program Policy Analysis and Government Accountability
182 shall report to the Administrative Procedures Committee its
183 findings as to whether an alternative reduces the impact on
184 small business while meeting the stated objectives of the
185 proposed rule. The Office of Program Policy Analysis and
186 Government Accountability shall consider the proposed rule, the
187 economic impact statement, the written statement of the agency,
188 the proposed alternatives, and any comment submitted during the
189 comment period on the proposed rule. The Office of Program
190 Policy Analysis and Government Accountability shall submit a
191 report of its findings and recommendations to the Governor, the
192 President of the Senate, and the Speaker of the House of
193 Representatives. The Administrative Procedures Committee shall

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194 report such findings to the agency, and the agency shall respond
195 in writing to the Administrative Procedures Committee if the
196 Office of Program Policy Analysis and Government Accountability
197 found that the alternative reduced the impact on small business
198 while meeting the stated objectives of the proposed rule. If the
199 agency will not adopt the alternative, it must also provide a
200 detailed written statement to the committee as to why it will
201 not adopt the alternative.

202 Section 7. Subsection (9) is added to section 120.545,
203 Florida Statutes, to read:

204 120.545 Committee review of agency rules.--

205 (9) (a) The committee shall establish a system that permits
206 a person to identify provisions of an agency's rule or nonrule
207 policy that the person suggests have an impact on small
208 employers as defined in s. 288.7001 and propose that the agency
209 repeal the rule or discontinue all reliance upon the nonrule
210 policy. The system must allow a person to submit his or her
211 proposal through a statewide toll-free telephone number or
212 Internet website and give the person the option to submit the
213 proposal without disclosing the person's name or personal
214 identifying information. The committee shall forward a copy of
215 each proposal to the Small Employer Regulatory Advisory Council
216 and to the applicable agency.

217 (b) The committee shall create and make available to each
218 agency a poster in English and in Spanish that notifies the
219 public of this subsection. The poster must include the statewide
220 toll-free telephone number and Internet website. Each agency
221 shall prominently display the poster at each location at which

222 it displays the Florida minimum wage poster required under s.
 223 448.109.

224 Section 8. Subsection (11) of section 120.80, Florida
 225 Statutes, is amended to read:

226 120.80 Exceptions and special requirements; agencies.--

227 (11) NATIONAL GUARD.--Notwithstanding s. 120.52 (17) ~~(16)~~,
 228 the enlistment, organization, administration, equipment,
 229 maintenance, training, and discipline of the militia, National
 230 Guard, organized militia, and unorganized militia, as provided
 231 by s. 2, Art. X of the State Constitution, are not rules as
 232 defined by this chapter.

233 Section 9. Paragraph (c) of subsection (1) and paragraph
 234 (a) of subsection (3) of section 120.81, Florida Statutes, are
 235 amended to read:

236 120.81 Exceptions and special requirements; general
 237 areas.--

238 (1) EDUCATIONAL UNITS.--

239 (c) Notwithstanding s. 120.52 (17) ~~(16)~~, any tests, test
 240 scoring criteria, or testing procedures relating to student
 241 assessment which are developed or administered by the Department
 242 of Education pursuant to s. 1003.43, s. 1003.438, s. 1008.22, or
 243 s. 1008.25, or any other statewide educational tests required by
 244 law, are not rules.

245 (3) PRISONERS AND PAROLEES.--

246 (a) Notwithstanding s. 120.52 (14) ~~(13)~~, prisoners, as
 247 defined by s. 944.02, shall not be considered parties in any
 248 proceedings other than those under s. 120.54(3)(c) or (7), and
 249 may not seek judicial review under s. 120.68 of any other agency

250 action. Prisoners are not eligible to seek an administrative
 251 determination of an agency statement under s. 120.56(4).
 252 Parolees shall not be considered parties for purposes of agency
 253 action or judicial review when the proceedings relate to the
 254 rescission or revocation of parole.

255 Section 10. Section 288.7001, Florida Statutes, is amended
 256 to read:

257 288.7001 Small Employer ~~Business~~ Regulatory Advisory
 258 Council.--

259 (1) SHORT TITLE.--This section may be cited as the "Small
 260 Employer ~~Business~~ Regulatory Relief Act."

261 (2) DEFINITIONS.--As used in this section, the term:

262 (a) "Agency" means an agency as defined in s. 120.52.

263 (b) "Council" means the Small Employer ~~Business~~ Regulatory
 264 Advisory Council.

265 (c) "Nonrule policy" means nonrule policy as defined in s.
 266 120.52.

267 (d) ~~(e)~~ "Rule" means a rule as defined in s. 120.52.

268 (e) ~~(d)~~ "Small employer business" means a person who
 269 employs 250 or fewer employees in this state or a political
 270 subdivision as defined in s. 1.01 ~~small business as defined in~~
 271 ~~s. 288.703.~~

272 (3) CREATION OF SMALL EMPLOYER ~~BUSINESS~~ REGULATORY
 273 ADVISORY COUNCIL; MEMBERSHIP; POWERS AND DUTIES.--

274 (a) The Small Employer ~~Business~~ Regulatory Advisory
 275 Council is created. The council shall consist of nine members
 276 who are current or former small employers ~~business owners~~, three
 277 appointed by the Governor, three appointed by the President of

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278 the Senate, and three appointed by the Speaker of the House of
279 Representatives. The initial appointments to the council must be
280 made within 60 days after the effective date of this act. The
281 members shall be from different geographic regions of the state.
282 Members shall serve 4-year terms; however, in order to establish
283 staggered terms, for the initial appointments, each appointing
284 official shall appoint one member to a 2-year term and two
285 members to a 4-year term. A member shall not serve more than
286 three consecutive terms. Members shall select the chairperson
287 from among the members of the council. The council shall meet
288 quarterly or upon the call of the chairperson. A majority of the
289 members constitutes a quorum for the conduct of business.
290 Members of the council shall serve without compensation. The
291 appointing official may remove his or her appointee without
292 cause at any time. A member whose term has expired shall
293 continue to serve on the council until such time as a
294 replacement is appointed. Vacancies shall be filled for the
295 remainder of the term and by the original appointing official.

296 (b) The council is established, assigned to, and
297 administratively housed within the Florida Small Business
298 Development Center Network, which shall provide staff support to
299 the council.

300 (c) The council may:

301 1. Provide agencies with recommendations regarding
302 proposed rules, nonrule policy, or programs that may adversely
303 affect small employers ~~business~~;

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304 2. Consider requests from small employers ~~business owners~~
305 to review rules, nonrule policy, or programs adopted by an
306 agency;

307 3. Consider requests from small employers ~~business owners~~
308 to review their ~~small business owners'~~ private property rights
309 related to rules, nonrule policy, or programs adopted or
310 implemented by an agency; and

311 4. Review rules and nonrule policy adopted ~~promulgated~~ by
312 an agency to determine whether a rule or nonrule policy places
313 an unnecessary burden on small employers ~~business~~ and make
314 recommendations to the agency to mitigate the adverse effects.

315 (d) The council does not have authority to:

316 1. Initiate or intervene in any administrative or judicial
317 proceeding; or

318 2. Issue subpoenas.

319 (e) The council shall prepare and submit a written annual
320 report to the Governor, the President of the Senate, and the
321 Speaker of the House of Representatives that describes the
322 activities and recommendations of the council.

323 (4) PERIODIC REVIEW OF RULES AND NONRULE POLICY.--

324 (a) In coordination with the sunset review schedule
325 provided in s. 11.905, the council may review rules and nonrule
326 policy of agencies subject to sunset review to determine whether
327 the rules or nonrule policy should be continued without change
328 or should be amended or repealed to reduce the impact of the
329 rules and nonrule policy on small employers ~~businesses~~, subject
330 to the requirement that the recommendations of the council must

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331 be feasible and consistent with the stated objectives of the
332 rules or nonrule policy.

333 (b) In reviewing agency rules and nonrule policy to reduce
334 the impact on small employers ~~businesses~~, the council, in
335 coordination with the agency, shall consider the following
336 factors:

337 1. Continued need for the rule or nonrule policy;

338 2. The nature of complaints or comments received from the
339 public concerning the rule or nonrule policy;

340 3. The complexity of the rule or nonrule policy;

341 4. The extent to which the rule or nonrule policy
342 overlaps, duplicates, or conflicts with other federal, state,
343 and local government rules; and

344 5. The length of time since the rule or nonrule policy was
345 ~~has been~~ evaluated or the degree to which technology, economic
346 conditions, or other factors have changed in the topical area
347 affected by the rule or nonrule policy.

348 (c) Within 6 months after the agency report is submitted
349 to the Joint Legislative Sunset Committee pursuant to s. 11.907,
350 the council shall provide a report to the Governor, the
351 President of the Senate, the Speaker of the House of
352 Representatives, and the Joint Legislative Sunset Committee that
353 includes recommendations and evaluations of agency rules,
354 nonrule policy, and programs regarding regulatory fairness for
355 small employers ~~businesses~~. A component of the report shall be a
356 rating system, developed by the council, entitled "Small
357 Employer ~~Business~~ Friendliness and Development Scorecard."

358 Section 11. Paragraph (b) of subsection (3) of section
 359 288.7002, Florida Statutes, is amended to read:

360 288.7002 Small business advocate.--

361 (3) DIRECTOR OF THE OFFICE OF SMALL BUSINESS ADVOCATE;
 362 APPOINTMENT; DUTIES.--

363 (b) The duties and functions of the advocate shall include
 364 the following:

365 1. Act as staff for the Small Employer Business Regulatory
 366 Advisory Council.

367 2. Serve as principal advocate in the state on behalf of
 368 small businesses, including, but not limited to, advisory
 369 participation in the consideration of all legislation and
 370 administrative rules that affect small businesses and advocacy
 371 on state policy and programs related to small businesses on
 372 disaster preparedness and recovery, including providing
 373 technical assistance.

374 3. Represent the views and interests of small businesses
 375 before agencies whose policies and activities may affect small
 376 businesses. Among other activities, the advocate may encourage
 377 standardized applications and information packages that would
 378 include all the information needed by each agency that a
 379 business has to deal with to prevent an applicant from having to
 380 fill out duplicative information on forms from various agencies.

381 4. Enlist the cooperation and assistance of public and
 382 private agencies, businesses, and other organizations in
 383 disseminating information about the programs and services
 384 provided by all levels of government that are of benefit to

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385 small businesses and information on how small businesses can
386 participate in, or make use of, those programs and services.

387 5. Issue a report every 2 years evaluating the efforts of
388 agencies that significantly regulate small businesses, to assist
389 minority and other small business enterprises and to make
390 recommendations that may be appropriate to assist the
391 development and strengthening of minority and other small
392 business enterprises.

393 6. Consult with experts and authorities in the fields of
394 small business investment, venture capital investment, and
395 commercial banking and other comparable financial institutions
396 involved in the financing of business; with individuals with
397 regulatory, legal, economic, or financial expertise, including
398 members of the academic community; and with individuals who
399 generally represent the public interest.

400 7. Seek the assistance and cooperation of all agencies and
401 departments providing services to, or affecting, small business,
402 to ensure coordination of state efforts.

403 8. Receive and respond to complaints from small businesses
404 concerning the actions of agencies and the operative effects of
405 state laws and regulations adversely affecting those businesses.
406 The advocate shall establish an annual process for small
407 businesses, and for small employers as defined in s. 288.7001,
408 to nominate agency rules, nonrule policy, or programs for
409 reform. The advocate shall publish those nominations online and
410 update the status of agency action on the proposed reforms twice
411 yearly.

412 9. Counsel small businesses on how to resolve questions
 413 and problems concerning the relationship of small business to
 414 state government.

415 10. Maintain, publicize, and distribute an annual list of
 416 persons serving as small business ombudsmen throughout state
 417 government.

418 11. Coordinate a statewide conference on small business
 419 with public and private organizations and entities impacting
 420 small business in the state.

421 12. Coordinate annual public meetings to share best
 422 practices for small business disaster preparedness. The meetings
 423 shall be held in consultation with regional and statewide small
 424 business organizations and shall take place in different
 425 locations throughout the state.

426 13. Assist the Small Employer Regulatory Advisory Council
 427 with the council's periodic review of rules and nonrule policy
 428 under s. 288.7001.

429 Section 12. Paragraph (a) of subsection (1) of section
 430 420.9072, Florida Statutes, is amended to read:

431 420.9072 State Housing Initiatives Partnership
 432 Program.--The State Housing Initiatives Partnership Program is
 433 created for the purpose of providing funds to counties and
 434 eligible municipalities as an incentive for the creation of
 435 local housing partnerships, to expand production of and preserve
 436 affordable housing, to further the housing element of the local
 437 government comprehensive plan specific to affordable housing,
 438 and to increase housing-related employment.

439 (1) (a) In addition to the legislative findings set forth
 440 in s. 420.6015, the Legislature finds that affordable housing is
 441 most effectively provided by combining available public and
 442 private resources to conserve and improve existing housing and
 443 provide new housing for very-low-income households, low-income
 444 households, and moderate-income households. The Legislature
 445 intends to encourage partnerships in order to secure the
 446 benefits of cooperation by the public and private sectors and to
 447 reduce the cost of housing for the target group by effectively
 448 combining all available resources and cost-saving measures. The
 449 Legislature further intends that local governments achieve this
 450 combination of resources by encouraging active partnerships
 451 between government, lenders, builders and developers, real
 452 estate professionals, advocates for low-income persons, and
 453 community groups to produce affordable housing and provide
 454 related services. Extending the partnership concept to encompass
 455 cooperative efforts among small counties as defined in s.
 456 120.52 (20) ~~(19)~~, and among counties and municipalities is
 457 specifically encouraged. Local governments are also intended to
 458 establish an affordable housing advisory committee to recommend
 459 monetary and nonmonetary incentives for affordable housing as
 460 provided in s. 420.9076.

461 Section 13. Subsection (7) of section 420.9075, Florida
 462 Statutes, is amended to read:

463 420.9075 Local housing assistance plans; partnerships.--

464 (7) The moneys deposited in the local housing assistance
 465 trust fund shall be used to administer and implement the local
 466 housing assistance plan. The cost of administering the plan may

467 not exceed 5 percent of the local housing distribution moneys
 468 and program income deposited into the trust fund. A county or an
 469 eligible municipality may not exceed the 5-percent limitation on
 470 administrative costs, unless its governing body finds, by
 471 resolution, that 5 percent of the local housing distribution
 472 plus 5 percent of program income is insufficient to adequately
 473 pay the necessary costs of administering the local housing
 474 assistance plan. The cost of administering the program may not
 475 exceed 10 percent of the local housing distribution plus 5
 476 percent of program income deposited into the trust fund, except
 477 that small counties, as defined in s. 120.52 ~~(20)~~ ~~(19)~~, and
 478 eligible municipalities receiving a local housing distribution
 479 of up to \$350,000 may use up to 10 percent of program income for
 480 administrative costs.

481 Section 14. (1) Each agency as defined in s. 120.52,
 482 Florida Statutes, within existing appropriations, shall:

483 (a) Establish one or more workgroups to review the impact
 484 of the agency's rules and nonrule policy on small employers as
 485 defined in s. 288.7001, Florida Statutes. A workgroup must
 486 include representatives of stakeholder groups and trade
 487 associations affected by the agency's rules or nonrule policy
 488 and individual citizens. Members of a workgroup shall serve at
 489 their own expense and may not receive compensation, per diem, or
 490 reimbursement for travel expenses related to their membership on
 491 the workgroup.

492 (b) Compile a list of the provisions of the agency's rules
 493 and nonrule policy determined by the workgroups to have an
 494 impact on small employers. The workgroups may consider, but are

495 not limited by, the factors described in s. 288.7001(4)(b),
496 Florida Statutes.

497 (c) Submit to the Small Employer Regulatory Advisory
498 Council by September 15, 2009, the list of provisions of rule
499 and nonrule policy identified by the workgroups. The list must
500 specify the provisions of rule that the agency proposes to
501 repeal and the provisions of nonrule policy upon which the
502 agency proposes to discontinue all reliance. If the agency has
503 initiated rulemaking proceedings to repeal an identified
504 provision of rule, the list must be accompanied by a copy of the
505 notice of the proposed repeal as published in the Florida
506 Administrative Weekly.

507 (d) Repeal or discontinue all reliance upon at least 25
508 percent of the provisions of the agency's rules and nonrule
509 policy that have an impact on small employers by December 1,
510 2009. The director of the Florida Small Business Development
511 Center Network may extend the deadline by up to 180 days for an
512 agency that submits a written request to the director describing
513 the reasons that an extension is needed and demonstrating that
514 the agency, despite a diligent effort to comply with this
515 section, is not able to complete its repeal of rules or
516 discontinuation of reliance upon nonrule policy by the deadline.

517 (e) Notify the Small Employer Regulatory Advisory Council
518 of the agency's rulemaking proceedings to repeal the identified
519 provisions of rule by January 15, 2010, or, if the deadline is
520 extended, within 45 days after the extended deadline. The notice
521 shall also specify the provisions of nonrule policy upon which
522 the agency has discontinued all reliance.

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523 (2) The Florida Small Business Advocate and Administrative
524 Procedures Committee shall assist each agency with its
525 identification and review of rules and nonrule policy that have
526 an impact on small employers.

527 (3) By March 1, 2010, the Small Employer Regulatory
528 Advisory Council shall submit a written report to the Governor,
529 the President of the Senate, and the Speaker of the House of
530 Representatives. The report must describe each agency's
531 compliance with this section. By August 1, 2010, the council
532 shall submit an updated report that describes each agency's
533 compliance as of June 30, 2010. The council shall also report an
534 agency's compliance with this section as part of the agency's
535 Small Employer Friendliness and Development Scorecard under s.
536 288.7001(4)(c), Florida Statutes.

537 (4)(a) By November 1, 2010, the Office of Program Policy
538 Analysis and Government Accountability, in consultation with the
539 Small Employer Regulatory Advisory Council and the
540 Administrative Procedures Committee, shall submit a report to
541 the Governor, the President of the Senate, and the Speaker of
542 the House of Representatives. The report must identify each
543 state agency that is subject to this section and evaluate the
544 extent to which the agency has repealed or discontinued all
545 reliance upon at least 25 percent of the provisions of rule and
546 nonrule policy that have an impact on small employers.

547 (b) If the Office of Program Policy Analysis and
548 Government Accountability finds in its report that an agency has
549 failed to repeal or discontinue all reliance upon at least 25
550 percent of the provisions of the agency's rules and nonrule

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551 policy that have an impact on small employers, the agency head
552 must submit to the Administrative Procedures Committee a written
553 explanation of the agency's failure to comply with this section.
554 The committee, upon receiving an agency's explanation, shall
555 review the explanation as soon as practicable but before
556 adjournment sine die of the 2011 Regular Session of the
557 Legislature. The agency head or his or her designee shall appear
558 before the committee at the meeting at which the committee
559 reviews the agency's explanation.

560 (5) This section is repealed July 1, 2011.

561 Section 15. This act shall take effect July 1, 2009.