



774308

LEGISLATIVE ACTION

Senate

House

.
. .
. .
. .
. .

Floor: 1/AD/2R

05/04/2011 04:35 PM

Senator Bennett moved the following:

Senate Amendment (with title amendment)

Between lines 274 and 275

insert:

Section 4. Paragraph (p) is added to subsection (2) of section 120.569, Florida Statutes, to read:

120.569 Decisions which affect substantial interests.-

(2)

(p) For any proceeding arising under chapter 373, chapter 378, or chapter 403, if a nonapplicant petitions as a third party to challenge an agency's issuance of a license, permit, or conceptual approval, the order of presentation in the proceeding is for the permit applicant to present a prima facie case



774308

14 demonstrating entitlement to the license, permit, or conceptual
15 approval, followed by the agency. This demonstration may be made
16 by entering into evidence the application and relevant material
17 submitted to the agency in support of the application, and the
18 agency's staff report or notice of intent to approve the permit,
19 license, or conceptual approval. Subsequent to the presentation
20 of the applicant's prima facie case and any direct evidence
21 submitted by the agency, the petitioner initiating the action
22 challenging the issuance of the license, permit, or conceptual
23 approval has the burden of ultimate persuasion and has the
24 burden of going forward to prove the case in opposition to the
25 license, permit, or conceptual approval through the presentation
26 of competent and substantial evidence. The permit applicant and
27 agency may on rebuttal present any evidence relevant to
28 demonstrating that the application meets the conditions for
29 issuance. Notwithstanding subsection (1), this paragraph applies
30 to proceedings under s. 120.574.

31 Section 5. Subsections (3) and (4) are added to section
32 120.74, Florida Statutes, to read:

33 120.74 Agency review, revision, and report.—

34 (3) Beginning in 2012, and no later than July 1 of each
35 year, each agency shall file with the President of the Senate,
36 the Speaker of the House of Representatives, and the committee a
37 regulatory plan identifying and describing each rule the agency
38 proposes to adopt for the 12-month period beginning on the July
39 1 reporting date and ending on the subsequent June 30, excluding
40 emergency rules.

41 (4) For the year 2011, the certification required in
42 subsection (2) may omit any information included in the reports



774308

43 provided under s. 120.745. Reporting under subsections (1) and
44 (2) shall be suspended for the year 2013, but required reporting
45 under those subsections shall resume in 2015 and biennially
46 thereafter.

47 Section 6. Section 120.745, Florida Statutes, is created to
48 read:

49 120.745 Legislative review of agency rules in effect on or
50 before November 16, 2010.—

51 (1) DEFINITIONS.—The following definitions apply
52 exclusively to this section:

53 (a) "Agency" has the same meaning and application as
54 provided in s. 120.52(1), but for the purposes of this section
55 excludes each officer and governmental entity in the state with
56 jurisdiction in one county or less than one county.

57 (b) "Compliance economic review" means a good faith
58 economic analysis that includes and presents the following
59 information pertaining to a particular rule:

60 1. A justification for the rule summarizing the benefits of
61 the rule; and

62 2. A statement of estimated regulatory costs as described
63 in s. 120.541(2); however:

64 a. The applicable period for the economic analysis shall be
65 5 years beginning on July 1, 2011;

66 b. For the analysis required in s. 120.541(2)(a)3., the
67 estimated regulatory costs over the 5-year period shall be used
68 instead of the likely increase in regulatory costs after
69 implementation; and

70 c. An explanation of the methodology used to conduct the
71 analysis must be provided. A technical methodology need not be



774308

72 used to develop the statement of estimated regulatory costs, if
73 the agency uses routine regulatory communications or its
74 Internet website to reasonably survey regulated entities,
75 political subdivisions, and local governments and makes good
76 faith estimates of regulatory costs in conformity with
77 recommendations from the Office of Fiscal Accountability and
78 Regulatory Reform ("OFARR"), or from one or more legislative
79 offices if requested by the agency and such request is approved
80 by the President of the Senate and the Speaker of the House of
81 Representatives.

82 (c) "Data collection rules" means those rules requiring the
83 submission of data to the agency from external sources,
84 including, but not limited to, local governments, service
85 providers, clients, licensees, regulated entities, other
86 constituents, and market participants.

87 (d) "Revenue rules" means those rules fixing amounts or
88 providing for the collection of money.

89 (e) "Rule" has the same general meaning and application as
90 provided in s. 120.52(16), but for purposes of this section may
91 include only those rules for which publication in the Florida
92 Administrative Code is required pursuant to s. 120.55(1). As
93 used in this section, the term "rule" means each entire
94 statement and all subparts published under a complete title,
95 chapter, and decimal rule number in the Florida Administrative
96 Code in compliance with Florida Administrative Code Rule 1B-
97 30.001.

98 (2) ENHANCED BIENNIAL REVIEW.—By December 1, 2011, each
99 agency shall complete an enhanced biennial review of the
100 agency's existing rules, which shall include, but is not limited



774308

101 to:

102 (a) Conduct of the review and submission of the report
103 required by s. 120.74 and an explanation of how the agency has
104 accomplished the requirements of s. 120.74(1). This paragraph
105 extends the October 1 deadline provided in s. 120.74(2) for the
106 year 2011.

107 (b) Review of each rule to determine whether the rule has
108 been reviewed by OFARR pursuant to the Governor's Executive
109 Order 2011-01.

110 (c) Review of each rule to determine whether the rule is a
111 revenue rule, to identify the statute or statutes authorizing
112 the collection of any revenue, to identify the fund or account
113 into which revenue collections are deposited, and, for each
114 revenue rule, to determine whether the rule authorizes, imposes,
115 or implements:

116 1. Registration, license, or inspection fees.

117 2. Transportation service tolls for road, bridge, rail,
118 air, waterway, or port access.

119 3. Fees for a specific service or purpose not included in
120 subparagraph 1. or subparagraph 2.

121 4. Fines, penalties, costs, or attorney fees.

122 5. Any tax.

123 6. Any other amounts collected that are not covered under
124 subparagraphs 1.-5.

125 (d) Review of each rule to determine whether the rule is a
126 data collection rule, providing the following information for
127 each rule determined to be a data collection rule:

128 1. The statute or statutes authorizing the collection of
129 such data.



774308

130 2. The purposes for which the agency uses the data and any
131 purpose for which the data is used by others.

132 3. The policies supporting the reporting and retention of
133 the data.

134 4. Whether and to what extent the data is exempt from
135 public inspection under chapter 119.

136 (e) Identification of each entire rule the agency plans to
137 repeal and, if so, the estimated timetable for repeal.

138 (f) Identification of each entire rule or subpart of a rule
139 the agency plans to amend to substantially reduce the economic
140 impact and the estimated timetable for amendment.

141 (g) Identification of each rule for which the agency will
142 be required to prepare a compliance economic review, to include
143 each entire rule that:

144 1. The agency does not plan to repeal on or before December
145 31, 2012;

146 2. Was effective on or before November 16, 2010; and

147 3. Probably will have any of the economic impacts described
148 in s. 120.541(2)(a), for 5 years beginning on July 1, 2011,
149 excluding in such estimation any part or subpart identified for
150 amendment under paragraph (e).

151 (h) Listing of all rules identified for compliance economic
152 review in paragraph (f), divided into two approximately equal
153 groups, identified as "Group 1" and "Group 2." Such division
154 shall be made at the agency's discretion.

155 (i) Written certification of the agency head to the
156 committee verifying the completion of the report for all rules
157 of the agency, including each separate part or subsection. The
158 duty to certify completion of the report is the responsibility



774308

159 solely of the agency head as defined in s. 120.52(3) and may not
160 be delegated to any other person. If the defined agency head is
161 a collegial body, the written certification must be prepared by
162 the chair or equivalent presiding officer of that body.

163 (3) PUBLICATION OF REPORT.—No later than December 1, 2011,
164 each agency shall publish, in the manner provided in subsection
165 (7), a report of the entire enhanced biennial review pursuant to
166 subsection (2), including the results of the review; a complete
167 list of all rules the agency has placed in Group 1 or Group 2;
168 the name, physical address, fax number, and e-mail address for
169 the person the agency has designated to receive all inquiries,
170 public comments, and objections pertaining to the report; and
171 the certification of the agency head pursuant to paragraph
172 (2) (i). The report of results shall summarize certain
173 information required in subsection (2) in a table consisting of
174 the following columns:

175 (a) Column 1: Agency name.

176 (b) Column 2: F.A.C. rule number, with subcolumns
177 including:

178 1. Column 2a: F.A.C. title and any subtitle or chapter
179 designation; and

180 2. Column 2b: F.A.C. number, excluding title and subtitle
181 or chapter designation.

182 (c) Column 3: OFARR reviewed rule under Executive Order
183 2011-01. Entries should be "Y" or "N."

184 (d) Column 4: Revenue rule/fund or account with subcolumns
185 including:

186 1. Column 4a: Licensure fees.

187 2. Column 4b: Transportation tolls.



774308

188 3. Column 4c: Other fees.

189 4. Column 4d: Fines.

190 5. Column 4e: Tax.

191 6. Column 4f: Other revenue.

192
193 Entries should be "N" or the identification of the fund or
194 account where receipts are deposited and provide notes
195 indicating the statutory authority for revenue collection.

196 (e) Column 5: Data collection rule. Entries should be "Y"
197 or "N." If "Y," provide notes supplying the information required
198 in paragraph (2) (d).

199 (f) Column 6: Repeal. Entries should be "Y" or "N" for the
200 entire rule. If "Y," provide notes estimating the timetable for
201 repeal.

202 (g) Column 7: Amend. Entries should be "Y" or "N," based on
203 the response required in paragraph (2) (f), and provide notes
204 identifying each specific subpart that will be amended and
205 estimating the timetable for amendment.

206 (h) Column 8: Effective on or before 11/16/2010. Entries
207 should be "Y" or "N."

208 (i) Column 9: Section 120.541(2) (a) impacts. Entries should
209 be "NA" if Column 8 is "N" or, if Column 6 is "Y," "NP" for not
210 probable, based on the response required in subparagraph
211 (2) (f)3., or "1" or "2," reflecting the group number assigned by
212 the division required in paragraph (2) (h).

213 (4) PUBLIC COMMENT ON ENHANCED BIENNIAL REVIEW AND REPORT;
214 OBJECTIONS.—Public input on reports required in subsection (3)
215 may be provided by stating an objection to the information
216 required in paragraphs (2) (b), (c), (d), and (g) and identifying



774308

217 the entire rule or any subpart to which the objection relates,
218 and shall be submitted in writing or electronically to the
219 person designated in the report.

220 (a) An objection under this subsection to a report that an
221 entire rule or any subpart probably will not have, for 5 years
222 beginning on July 1, 2011, any of the economic impacts described
223 in s. 120.541(2)(a), must include allegations of fact upon which
224 the objection is based, stating the precise information upon
225 which a contrary evaluation of probable impact may be made.
226 Allegations of fact related to other objections may be included.

227 (b) Objections may be submitted by any interested person no
228 later than June 1, 2012.

229 (c) The agency shall determine whether to sustain an
230 objection based upon the information provided with the objection
231 and whether any further review of information available to the
232 agency is necessary to correct its report.

233 (d) No later than 20 days after the date an objection is
234 submitted, the agency shall publish its determination of the
235 objection in the manner provided in subsection (7).

236 (e) The agency's determination with respect to an objection
237 is final but not a final agency action subject to further
238 proceedings, hearing, or judicial review.

239 (f) If the agency sustains an objection, it shall amend its
240 report within 10 days after the determination. The amended
241 report shall indicate that a change has been made, the date of
242 the last change, and identify the amended portions. The agency
243 shall publish notice of the amendment in the manner provided in
244 subsection (7).

245 (g) On or before July 1, 2012, the agency shall deliver a



774308

246 written certification of the agency head or designee to the
247 committee verifying the completion of determinations of all
248 objections under this subsection and of any report amendments
249 required under paragraph (f). The certification shall be
250 published as an addendum to the report required in subsection
251 (3). Notice of the certification shall be published in the
252 manner provided in subsection (7).

253 (5) COMPLIANCE ECONOMIC REVIEW OF RULES AND REQUIRED
254 REPORT.—Each agency shall perform a compliance economic review
255 and report for all rules, including separate reviews of
256 subparts, listed under Group 1 “Group 1 rules” or Group 2 “Group
257 2 rules” pursuant to subparagraph (2)(g)3. Group 1 rules shall
258 be reviewed and reported on in 2012, and Group 2 rules shall be
259 reviewed and reported on in 2013.

260 (a) No later than May 1, each agency shall:

261 1. Complete a compliance economic review for each entire
262 rule or subpart in the appropriate group.

263 2. File the written certification of the agency head with
264 the committee verifying the completion of each compliance
265 economic review required for the respective year. The
266 certification shall be dated and published as an addendum to the
267 report required in subsection (3). The duty to certify
268 completion of the required compliance economic reviews is the
269 responsibility solely of the agency head as defined in s.
270 120.52(3) and may not be delegated to any other person. If the
271 defined agency head is a collegial body, the written
272 certification must be prepared by the chair or equivalent
273 presiding officer of that body.

274 3. Publish a copy of the compliance economic review,



774308

275 directions on how and when interested parties may submit lower
276 cost regulatory alternatives to the agency, and the date the
277 notice is published in the manner provided in subsection (7).

278 4. Publish notice of the publications required in
279 subparagraphs 2. and 3. in the manner provided in subsection
280 (7).

281 5. Submit each compliance economic review to the Small
282 Business Regulatory Advisory Council for its review.

283 (b) Any agency rule, including subparts, reviewed pursuant
284 to Executive Order 2011-01 are exempt from the compliance
285 economic review if the review found that the rule:

286 1. Does not unnecessarily restrict entry into a profession
287 or occupation;

288 2. Does not adversely affect the availability of
289 professional or occupational services to the public;

290 3. Does not unreasonably affect job creation or job
291 retention;

292 4. Does not place unreasonable restrictions on individuals
293 attempting to find employment;

294 5. Does not impose burdensome costs on businesses; or

295 6. Is justifiable when the overall cost-effectiveness and
296 economic impact of the regulation, including indirect costs to
297 consumers, is considered.

298 (c) No later than August 1, the Small Business Regulatory
299 Advisory Council may submit lower cost regulatory alternatives
300 to any rule to the agency that adopted the rule. No later than
301 June 15, other interested parties may submit lower cost
302 regulatory alternatives to any rule.

303 (d) No later than December 1, each agency shall publish a



774308

304 final report of the agency's review under this subsection in the
305 manner provided in subsection (7). For each rule the report
306 shall include:

307 1. The text of the rule.

308 2. The compliance economic review for the rule.

309 3. All lower regulatory cost alternatives received by the
310 agency.

311 4. The agency's written explanation for rejecting submitted
312 lower regulatory cost alternatives.

313 5. The agency's justification to repeal or amend the rule
314 or to retain the rule without amendment.

315 6. The written certification of the agency head to the
316 committee verifying the completion of the reviews and reporting
317 required under this subsection for that year. The certification
318 shall be dated and published as an addendum to the report
319 required in subsection (3). The duty to certify completion of
320 the report is the responsibility solely of the agency head as
321 defined in s. 120.52(3) and may not be delegated to any other
322 person. If the defined agency head is a collegial body, the
323 written certification must be prepared by the chair or
324 equivalent presiding officer of that body.

325 (e) Notice of publication of the final report and
326 certification shall be published in the manner provided in
327 subsection (7).

328 (f) By December 1, each agency shall begin proceedings
329 under s. 120.54(3) to amend or repeal those rules so designated
330 in the report under this subsection. Proceedings to repeal rules
331 are exempt from the requirements for the preparation,
332 consideration, or use of a statement of estimated regulatory



774308

333 costs under s. 120.54 and the provisions of s. 120.541.

334 (6) LEGISLATIVE CONSIDERATION.—With respect to a rule
335 identified for retention without amendment in the report
336 required in subsection (5), the Legislature may consider
337 specific legislation nullifying the rule or altering the
338 statutory authority for the rule.

339 (7) MANNER OF PUBLICATION OF NOTICES, DETERMINATIONS, AND
340 REPORTS.—Agencies shall publish notices, determinations, and
341 reports required under this section exclusively in the following
342 manner:

343 (a) The agency shall publish each notice, determination,
344 and complete report on its Internet website. If the agency does
345 not have an Internet website, the information shall be published
346 on the committee's Internet website using
347 www.japc.state.fl.us/[agency name]/ in place of the address of
348 the agency's Internet website. The following URL formats shall
349 be used:

350 1. Reports required under subsection (3), including any
351 reports amended as a result of a determination under subsection
352 (4):

353 [Address of agency's Internet
354 website]/2011 Rule review/ [Florida Administrative
355 Code (F.A.C.) title and subtitle (if applicable)
356 designation for the rules included]. (Example:
357 http://www.dos.state.fl.us/2011 Rule review/1S).

358 2. The lists of Group 1 rules and Group 2 rules, required
359 under subsection (3):

360 [Address of agency's Internet
361 website]/2011 Rule review/ Economic Review/Schedule.



362 (Example: http://www.dos.state.fl.us/2011 Rule review/
363 Economic Review/Schedule)
364 3. Determinations under subsection (4):
365 [Address of agency's Internet
366 website]/2011 Rule review/
367 Objection Determination/[F.A.C. Rule number].
368 (Example: http://www.dos.state.fl.us/2011 Rule review/
369 Objection Determination/1S-1.001).
370 4. Completed compliance economic reviews reported under
371 subsection (5):
372 [Address of agency's Internet
373 website]/2011 Rule review/ Economic Review/[F.A.C.Rule
374 number].
375 (Example: http://www.dos.state.fl.us/2011 Rule review/
376 Economic Review/1S-1.001).
377 5. Final reports under paragraph (5) (d), with the
378 appropriate year:
379 [Address of agency's Internet
380 website]/2011 Rule review/ Economic
381 Review/[YYYY Final Report].
382 (Example: http://www.dos.state.fl.us/2011 Rule review/
383 Economic Review/2012 Final Report).
384 (b)1. Each notice shall be published using the following
385 URL format:
386 [Address of agency's Internet website]/
387 2011 Rule review/Notices.
388 (Example:
389 http://www.dos.state.fl.us/2011 Rule review/Notices).
390 2. Once each week a copy of all notices published in the



774308

391 previous week on the Internet under this paragraph shall be
392 delivered to the Department of State, for publication in the
393 next available issue of the Florida Administrative Weekly, and a
394 copy shall be delivered by electronic mail to the committee.

395 3. Each notice shall identify the publication for which
396 notice is being given and include:

397 a. The name of the agency.

398 b. The name, physical address, fax number, and e-mail
399 address for the person designated to receive all inquiries,
400 public comments, and objections pertaining to the publication
401 identified in the notice.

402 c. The particular Internet address through which the
403 publication may be accessed.

404 d. The date the notice and publication is first published
405 on the agency's Internet website.

406 (c) Publication pursuant to this section is deemed to be
407 complete as of the date the notice, determination, or report is
408 posted on the agency's Internet website.

409 (8) FAILURE TO FILE CERTIFICATION OF COMPLETION.-If an
410 agency fails to timely file any written certification required
411 in paragraph (2) (i), paragraph (4) (g), subparagraph (5) (a)2., or
412 subparagraph (5) (d)6., the entire rulemaking authority delegated
413 to the agency by the Legislature under any statute or law shall
414 be suspended automatically as of the due date of the required
415 certification and shall remain suspended until the date that the
416 agency files the required certification with the committee.

417 (a) During the period of any suspension under this
418 subsection, the agency has no authority to engage in rulemaking
419 under s. 120.54.



774308

420 (b) A suspension under this subsection does not authorize
421 an agency to promulgate any statement defined as a rule under s.
422 120.52(16).

423 (c) A suspension under this subsection shall toll the time
424 requirements under s. 120.54 for any rulemaking proceeding the
425 agency initiated before the date of suspension, which time
426 requirements shall resume on the date the agency files the
427 written certification with the committee and publishes notice of
428 the required certification in the manner provided in subsection
429 (7).

430 (d) Failure to timely file a written certification required
431 under paragraph (2)(i) tolls the time for public response, which
432 period shall not begin until the date the agency files the
433 written certification with the committee and publishes notice of
434 the required certification in the manner provided in subsection
435 (7). The period for public response shall be extended by the
436 number of days equivalent to the period of suspension under this
437 subsection.

438 (e) Failure to timely file a written certification required
439 under subparagraph (5)(a)2. shall toll the deadline for
440 submission of lower cost regulatory alternatives for any rule or
441 subpart for which a compliance economic review has not been
442 timely published. The period of tolling shall be the number of
443 days after May 1 until the date of the certification as
444 published.

445 (9) EXEMPTION FROM ENHANCED BIENNIAL REVIEW AND COMPLIANCE
446 ECONOMIC REVIEW.—

447 (a) An agency is exempt from subsections (1)-(8) if it has
448 cooperated or cooperates with OFARR in a review of the agency's



774308

449 rules in a manner consistent with Executive Order 2011-01, or
450 any alternative review directed by OFARR; if the agency or OFARR
451 identifies each data collection rule and each revenue rule; and
452 if the information developed thereby becomes publicly available
453 on the Internet by December 1, 2011. Each such agency is exempt
454 from the biennial review required in s. 120.74(2) for the year
455 2011.

456 (b) For each rule reviewed under this subsection, OFARR may
457 identify whether the rule imposes a significant regulatory cost
458 or economic impact and shall schedule and obtain or direct a
459 reasonable economic estimate of such cost and impact for each
460 rule so identified. A report on each such estimate shall be
461 published on the Internet by December 31, 2013. On or before
462 October 1, 2013, the agency head shall certify in writing to the
463 committee that the agency has completed each economic estimate
464 required under this paragraph and thereupon the agency is exempt
465 from the biennial review required in s. 120.74(2) for the year
466 2013.

467 (c) The exemption under this paragraph does not apply
468 unless the agency head certifies in writing to the committee, on
469 or before October 1, 2011, that the agency has chosen such
470 exemption and has cooperated with OFARR in undertaking the
471 review required in paragraph (a).

472 (10) REPEAL.—This section is repealed July 1, 2014.

473 Section 7. Section 120.7455, Florida Statutes, is created
474 to read:

475 120.7455 Legislative survey of regulatory impacts.—

476 (1) From July 1, 2011, until July 1, 2014, the Legislature
477 may establish and maintain an Internet-based public survey of



774308

478 regulatory impact soliciting information from the public
479 regarding the kind and degree of regulation affecting private
480 activities in the state. The input may include, but need not be
481 limited to:

482 (a) The registered business name or other name of each
483 reporting person.

484 (b) The number and identity of agencies licensing,
485 inspecting, registering, permitting, or otherwise regulating
486 lawful activities of the reporting person.

487 (c) The types, numbers, and nature of licenses, permits,
488 and registrations required for various lawful activities of the
489 reporting person.

490 (d) The identity of local, state, and federal agencies, and
491 other entities acting under color of law which regulate the
492 lawful activities of the reporting person or otherwise exercise
493 power to enforce laws applicable to such activities.

494 (e) The identification and nature of each ordinance, law,
495 or administrative rule or regulation deemed unreasonably
496 burdensome by the reporting person.

497 (2) The President of the Senate and the Speaker of the
498 House of Representatives may certify in writing to the chair of
499 the committee and to the Attorney General the establishment and
500 identity of any Internet-based public survey established under
501 this section.

502 (3) Any person reporting or otherwise providing information
503 solicited by the Legislature in conformity with this section is
504 immune from any enforcement action or prosecution that:

505 (a) Is instituted on account of, or in reliance upon, the
506 fact of reporting or nonreporting of information in response to



774308

507 the Legislature's solicitation of information pursuant to this
508 section; or

509 (b) Uses information provided in response to the
510 Legislature's solicitation of information pursuant to this
511 section.

512 (4) Any alleged violator against whom an enforcement action
513 is brought may object to any proposed penalty in excess of the
514 minimum provided by law or rule on the basis that the action is
515 in retaliation for the violator providing or withholding any
516 information in response to the Legislature's solicitation of
517 information pursuant to this section. If the presiding judge
518 determines that the enforcement action was motivated in whole or
519 in part by retaliation, any penalty imposed is limited to the
520 minimum penalties provided by law for each separate violation
521 adjudicated.

522 Section 8. The amendment of section 120.74, Florida
523 Statutes, and the creation of sections 120.745 and 120.7455,
524 Florida Statutes, by this act does not change the legal status
525 of a rule that has otherwise been judicially or administratively
526 determined to be invalid.

527
528 ===== T I T L E A M E N D M E N T =====

529 And the title is amended as follows:

530 Delete line 20

531 and insert:

532 estimated regulatory costs is available; amending s.
533 120.569, F.S.; providing that a nonapplicant who
534 petitions to challenge an agency's issuance of a
535 license, permit, or conceptual approval in certain



774308

536 circumstances has the burden of ultimate persuasion
537 and the burden of going forward with evidence;
538 amending s. 120.74, F.S.; providing for agency
539 reporting of certain annual regulatory plans;
540 providing for certain omissions and suspensions of
541 reports; creating s. 120.745, F.S.; providing for
542 legislative review of agency rules in effect on or
543 before November 16, 2010; providing definitions;
544 requiring that each agency complete an enhanced
545 biennial review of its existing rules; requiring a
546 report of the enhanced biennial review; providing
547 specifications for the report; providing for
548 objections and the agency's response; requiring the
549 performance of a compliance economic review and report
550 under certain circumstances; providing specifications
551 for the review; providing specifications for
552 publishing the final report of the agency's review;
553 requiring that an agency publish notices,
554 determinations, and reports in a specified format;
555 requiring the Department of State to publish certain
556 notices in the Florida Administrative Weekly;
557 providing specifications; providing for future review
558 and repeal; providing for suspension of rulemaking
559 authority for failure to comply with the certification
560 requirements of the section; providing for an
561 exemption from certain requirements; creating s.
562 120.7455, F.S.; providing that the Legislature may
563 establish and maintain an Internet-based public survey
564 of regulatory impacts; providing input details;



774308

565 providing that legislative leaders may certify in
566 writing to certain individuals the establishment and
567 identity of any such Internet-based survey; providing
568 immunities from enforcement action or prosecution
569 involving information solicited through the survey;
570 providing protections from retaliatory enforcement
571 actions; clarifying that the legal status of a rule
572 that has been determined to be invalid is not changed
573 by the amendment or creation of specified provisions
574 by the act; amending s.